

## **Licensing Sub-Committee**

**Section 1** - Licensing Officers' Report

**Appendix 1** - Copy of the application

**Appendix 2** Representations from the Responsible Authorities.





# LICENSING SUB-COMMITTEE

# REPORT

18 December 2012

Subject heading:

William the Conqueror  
Petersfield Avenue Romford RM3 9PB  
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 (TEN) is made by Mrs Kelly Clarkson under section 100 of the Licensing Act 2003. The TEN was received by Havering's Licensing Authority on 3<sup>rd</sup> November 2012.

## Geographical description of the area and description of the building

The William the Conqueror public house is a detached property located in Harold Hill in an area which is predominantly residential. Adjacent to the premises is a parade of shops; however, residential properties are located above these commercial outlets. Residential properties occupy three sides of the immediate vicinity surrounding the premises while the fourth side, to the front of the public house, is occupied by a Catholic church. Potentially, a midnight mass may be occurring at the church at the commencement of Christmas Day.

## Details of the submission

The premises licence at the William the Conqueror includes the following licensable activities to be provided during these hours:

<b>Live music, recorded music, performance of dance, supply of alcohol</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Thursday	11:00	23:00
Friday & Saturday	11:00	00:00
Sunday	12:00	23:00

*NB* Christmas Eve this year is on a Monday, thus the terminal hour for this evening would normally be 23:00.

TEN activities notified:

<b>Supply of alcohol, provision of regulated entertainment*, late night refreshment</b>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>No. of people present at any one time</b>
Monday 24 <sup>th</sup> December 2012 into 25 <sup>th</sup> December 2012	23:00	02:00	400

\* This broad description may permit any and all forms of regulated entertainment to be provided under the authority of the TEN. Regulated entertainment is defined by Schedule 1 Part 1 paragraph 2(1) of the Act as:

- (a) *a performance of a play,*
- (b) *an exhibition of a film,*
- (c) *an indoor sporting event,*
- (d) *a boxing or wrestling entertainment,*
- (e) *a performance of live music,*
- (f) *any playing of recorded music,*
- (g) *a performance of dance,*
- (h) *entertainment of a similar description to that falling within paragraph (e), (f) or (g)*

### **Comments and observations on the TEN**

This TEN was submitted in accordance with the provisions of s.100 of the Act. The premises has within the last two months been subject to enforcement action from Havering's Noise Team due to noise nuisance generated by similarly organised events at the premises.

Section 2 of the TEN requires a description of the event to be provided. In relation to this description guidance note 5 on the TEN form provides examples of the considerations to be made when completing this portion of the form and states:

#### *Note 5*

*A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.*

The premises user submitting this TEN describes the event as a 'Christmas Eve party', a description which might not provide the responsible authorities with a definitive impression of what licensable activities may be expected at the event.

## **Summary**

There were two objection notices submitted against this application from both responsible authorities empowered to do so, namely the Police and Havering's Noise Team.

Section 106(2) of the Act permits a TEN to be modified, prior to a hearing to determine the matter, with the agreement of all relevant parties in order that any objection notices may be withdrawn. At the time of writing this report no modification agreement had been agreed.

Section 106A(2)(a) of the Act permits the Licensing Authority to impose one or more conditions on a TEN where *the authority considers it appropriate for the promotion of the licensing objectives to do so*, if the Authority is minded to permit the TEN to go ahead. Such conditions may relate to the licensable activities permitted and their terminal hours.

Section 105(2)(b) of the Act permits the Licensing Authority to issue a counter notice against the TEN preventing it from going ahead if the Authority is so minded.

## **Details of representations**

Valid representations may only address the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public safety

## **Responsible authorities' objection notices**

PC D Fern submitted an objection notice against this TEN on behalf of the Metropolitan Police. PC Fern indicates that the Police have concerns with regard to the promotion of the licensing objective relating to the prevention of public nuisance. PC Fern contends that the event as submitted *is unfair to residents given the previous history of the venue and the day in question being Christmas Day morning*. PC Fern further contends that he would be prepared to support an extension of hours at the premises until midnight with the premises to be empty of patrons by 00:20.

Mr Marc Gasson submitted an objection notice against this TEN on behalf of Havering's Noise Team. Mr Gasson's objection to the TEN is also based upon the licensing objective relating to the prevention of public nuisance. Mr Gasson states that he would be happy to support the TEN submission if the event's terminal hour was reduced to midnight.

Paul Jones  
Licensing Officer  
London Borough of Havering

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# Havering

LONDON BOROUGH

Premises licence number

001884

## Part 1 – Premises details

Postal address of premises

William The Conqueror  
82 Petersfield Avenue Romford RM3 9PB

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Live music, recorded music, performances of dance, provision of facilities for dancing, provision of facilities for entertainment similar to music or dancing, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Thursday – 11:00 to 23:00  
Friday to Saturday – 11:00 to 00:00  
Sunday – 12:00 to 23:00

The opening hours of the premises

Monday to Thursday – 11:00 to 23:30  
Friday to Saturday – 11:00 to 00:30  
Sunday – 12:00 to 23:30

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

On and off supplies

## Part 2

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

Admiral Taverns Limited  
Milton Gate 60 Chiswell Street London EC1Y 4AG  
01244 321171

1 of 6

**COPY**

Signed .....

Paul Jones, Licensing Officer

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Registered number of holder

05438628

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

Mrs Kelly Patricia Clarkson  
54 Coombe Road, Romford, RM3 0TX

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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

London Borough of Havering - 11506

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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
      - (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–



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**Mandatory conditions – contd.**

- (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.

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**Annex 2 – Conditions consistent with the operating schedule**

- 1. In addition to the use of temporary event notices allowed under the Licensing Act 2003 the premises may open on 12 non-standard occasions in line with the Association of Chief Police Officers' guidelines subject to a minimum of 10 working days' notice being given to the Licensing Authority and the Police for each occasion. The prior written consent of the Police shall be obtained and the Police shall have an absolute right to refuse any occasion.
- 2. A register shall be kept at the premises in the manner required by the Police and Licensing Authority and made available for inspection by the Police or an authorised officer of the Licensing Authority and details of each occasion shall be recorded in it including the written consent of the Police.
- 3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

**3 of 6**

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**COPY**

Signed .....  
Paul Jones, Licensing Officer

4. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
  - (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
  - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
  - (c) to a canteen or mess.
5. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:
  - (a) On weekdays other than Christmas Day, Good Friday or New Year's Eve as stated above.
  - (b) On Sundays other than Christmas Day or New Year's Eve as stated above.
  - (c) On Good Friday 12:00 to 22:30
  - (d) On Christmas Day 12:00 to 15:00 and 19:00 to 22:30
  - (e) On New Year's Eve except on a Sunday 10:00 to 23:00
  - (f) On New Year's Eve on a Sunday 12:00 to 22:30
  - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day 00:00 on 31st December)

The above restrictions do not prohibit:

- (i) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
- (ii) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
- (iii) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- (iv) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- (v) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (vi) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (vii) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (viii) the taking of alcohol from the premises by a person residing there; or
- (ix) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (x) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

6. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premises on each given day. The premises daily register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour.
7. The designated premises supervisor shall implement a written drugs policy. This shall detail strategies to minimise the use and supply of illegal drugs within the premises.
8. The designated premises supervisor shall implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance to the neighbours both residential and business. This policy shall be approved in writing by the Licensing Authority.
9. A 'Challenge 21' policy in relation to alcohol supplies must be in place. The only acceptable forms of identification shall be a current photo driving licence, a valid passport or a PASS hologram card.
10. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard'. All other areas of risk identified in the operational requirement shall have coverage appropriate to the risk.
11. The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'system file' which should be readily available for inspection by the relevant authority:
  - site plan showing position of cameras and their field of view
  - code of practice
  - performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position
  - operational requirement
  - incident log
  - maintenance records including weekly visual checks
12. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises should be asked to remove headwear unless worn as part of religious observance.
13. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required shall be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.

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Signed .....

Paul Jones, Licensing Officer





## Part B

### Premises licence summary

Premises licence number

001884

### Premises details

Postal address of premises

William The Conqueror  
82 Petersfield Avenue Romford RM3 9PB

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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The opening hours of the premises

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

On and off supplies

Name, (registered) address of holder of premises licence

Admiral Taverns Limited  
Milton Gate 60 Chiswell Street London EC1Y 4AG

Registered number of holder

05438628

1 of 2

Signed

**COPY**  
Paul Jones, Licensing Officer

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

**Mrs Kelly Patricia Clarkson**

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

**Not applicable**

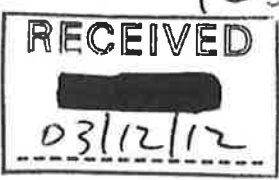
## **Licensing Sub-Committee**

**Appendix 1** - **Copy of the application**





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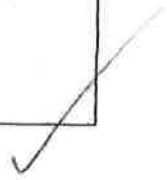
### Temporary Event Notice

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.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	CLARKSON		
Forenames	KELLY PATRICIA		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	SCHAFER		
Forenames	KELLY PATRICIA		
3. Your date of birth	Day 30	Month 11	Year 1962
4. Your place of birth	LONDON		
5. National Insurance Number	JX615593B		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
WILLIAM CONQUEROR PETER FIELD AV HAROLD HILL			
Post town	ESSEX	Post code	RM3 9BP
7. Other contact details			
Telephone numbers	07506026327		
Daytime	OK		
Evening (optional)	07949476363		
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)	Kelly.Clarkson@live.co.uk		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			



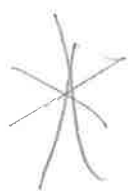
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Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

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)	
WILLIAM THE CONQUEROR PETERFIELD AV HAROLD HILL ROMFORD RM3 9PD	
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	
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)	
Public House	
Please describe the nature of the event below. (Please read note 5)	
CHRISTMAS EVE PARTY	

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3. The licensable activities
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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 type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
MONDAY 24 <sup>th</sup> December 2012	
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)	
11pm - 2 AM	
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)	400
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	011506	
Date of issue	19 MARCH 2012	
Date of expiry	19 MARCH 2022	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13)
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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 type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	9.	
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 type="checkbox"/>

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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 your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 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 shall (Please mark the appropriate boxes with an "X")	
Send 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"/>
Send 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, send at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>

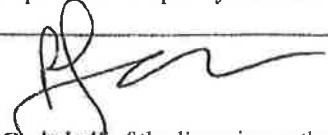
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If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input type="checkbox"/>

<b>8. Condition (Please read note 16)</b>
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.

<b>9. Declarations (Please read note 17)</b>	
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	30/11/2012
Name of Person signing	K CLARKSON

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	04/12/12
Name of Officer signing	PAUL JONES 12337



## **Licensing Sub-Committee**

### **Appendix 2**

**Representations from the Responsible  
Authorities.**







**Working together for a safer London**

**Licensing Authority  
London borough of Havering  
Mercury House, Mercury Gardens  
Romford  
RM1 3SL**

**CC - Kelly Clarkson**

PC 118 KD David Fern  
Romford Police Station  
19 Main Road  
Romford,  
Essex  
RM1 3BJ

Telephone: 01708 432781  
Email:  
David-anthony.fern@met.police.uk

Date: 4th December 2012

Police wish to make representation against the temporary event notice from the WILLIAM and CONQUEROR public house for an extension on Christmas Eve.

The premise falls within a residential area. Police and the local authority have received complaints recently regarding noise from the venue, when previous extensions have been granted. The local authority has investigated such incidents.

At 0200 hours there is no public transport from premises and patrons will no doubt create further noise issues on there way home. This is unfair to local residents given the previous history of the venue and the day in question being Christmas day morning. An extension until 0200 hours would not promote the licensing objective, prevention of public nuisance.

The police are often called to deal with such incidents due to the local authority not providing 24 hour cover. Granting of such an extension would impact on the prevention of crime and disorder; this can simply be from patrons leaving the venue and walking home, to acting disorderly in residential streets.

Police could not support this extension given the facts surrounding the premise, I would be prepared to offer an extension until mid night only, and the premises must be clear of customers by 0020 hours.

If I can be of any further assistance in this matter please do not hesitate to contact me in the licensing office.

Yours sincerely

**COPY**

PC David Fern  
Metropolitan police - Havering  
Licensing officer





## Public Protection

Mercury House, Mercury Gardens  
Romford RM1 3SL

**Please call: Marc Gasson**  
**Telephone: 01708 432777**  
Fax: 01708 432554  
email: [environmental.health@haverling.gov.uk](mailto:environmental.health@haverling.gov.uk)  
Textphone ☎: 01708 433175

## memo

From: Marc Gasson-Noise Specialist

To: Paul Jones-Licensing Officer.

My Reference : MDG/012337

Your Reference :

Date: 6 December 2012

**Licensing Act 2003-Application For Temporary Event Notice 24/12/2012 23:00-02:00 Hours (25/12/2012).**  
**William The Conqueror, Petersfield Avenue, Harold Hill, Romford, Essex.**

I refer tot the above application and would advise that I would object to it being granted on the following grounds:-

1. Licensing Policy 012 states the following:-

"The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated Activities will normally be permitted:

- until 11.30 pm in residential areas
- until 00.30 am in mixed use areas
- No limits in leisure areas."

The premises has residential properties located in close proximity to it on three sides, the closest being approximately 15-20 metres from the rear of the building, and therefore the area is predominantly residential so any extension past 23:30 would be contrary to guidance.

2. Considering it is Christmas Eve allowing a function to continue to a terminal hour of 02:00 hours on such a significant night will cause considerable disturbance to in particular families with children.
3. The premises has been the subject of enforcement action with respect to noise arising from the venue. Although the Council has been working with the owners and the person responsible to resolve the problems encountered since the abatement notice was served, a further problem was witnessed by an officer working on the Council's Out-Of-Hours Noise Service.

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I would advise that if the terminal hour was reduced to midnight on the 24/12/2012, then I would be happy to support the submission.

I trust this clarifies my position.

COPY

Marc Gasson  
Noise Specialist

Encs:- Abatement Notice in respect of Noise Nuisance dated 3/10/2012  
Letter to Ms Kelly Clarkson-Designated Premises Supervisor for the William The Conqueror dated 12/11/2012



**Havering**  
LONDON BOROUGH

**Public Protection**

Housing & Public Protection  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

**The Company Secretary  
Admiral Taverns Limited  
Milton Gate  
60 Chiswell Street  
London  
EC1Y 4AG**

**Telephone: 01708 432749**  
Fax: 01708 432554  
email: marc.gasson@havering.gov.uk  
Textphone ☎: 01708 433175

Date: 3 October 2012

Your Reference:  
My Reference: MDG/002146

Dear Sir/Madam

**Environmental Protection Act 1990-Section79-82  
Noise From Amplified Music  
William The Conqueror, Petersfield Avenue, Harold Hill, Romford, Essex, RM3 9PB.**

**THIS LETTER DOES NOT FORM PART OF THE ABATEMENT NOTICE ENCLOSED**  
**REFERENCE:-EHS/MDG/002146/**

I write concerning the complaints received by this Service from nearby residents regarding the excessive volume of the music emanating from the premises and in particular the bass element.

Following a call received by the Council's Out-Of-Hours Noise Service, my colleague Mr Frank Orharhuge, Environmental Health Officer undertook observations from within a complainant's premises from 00:55 hours on the 30<sup>th</sup> September 2012. The level of music emanating from the William The Conqueror was totally unacceptable and in my colleagues' opinion constituted a statutory noise nuisance.

The Council being satisfied of the existence of a statutory noise nuisance and with the apparent lack of consideration for nearby residents has no alternative but to serve an Abatement Notice in respect of Noise Nuisance upon you the owner of the premises (enclosed).

You should note that the abatement notice requires that the nuisance condition be abated immediately from the date of its service. Initially this may be achieved by ceasing to have any loud recorded music or any live music played until such time as mitigating works/measures have been put in place to abate the nuisance condition

Any mitigating works may due to the potential complexity of the problem and therefore the solution, may require you to seek appropriate advice from a competent noise consultant to

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determine the appropriate scheme to resolve this matter. Should you require an extension to the compliance period please do not hesitate to contact me so that this can be agreed and confirmed in writing at the earliest opportunity.

Yours faithfully

COPY

Marc Gasson  
Pollution Officer

cc- Paul Jones Licensing Officer (London Borough of Havering)

cc-David Fern-Metropolitan Police Licensing Officer

cc-Mrs Kelly Clarkson Designated Premises Supervisor (William The Conqueror)  
54 Coombe Road  
Harold Hill  
Romford  
Essex  
RM3 0TX



## Abatement Notice in respect of Noise Nuisance

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To Admiral Taverns Limited  
Milton Gate  
60 Chiswell Street  
London  
EC1Y 4AG

TAKE NOTICE that under the provision of the Environmental Protection Act 1990 the **London Borough of Havering** ("the Council"), being satisfied of the **existence** of noise amounting to a statutory nuisance under Section [79 (1) (g)] of that Act from the premises known as:

**William The Conqueror, Petersfield Avenue, Harold Hill, Romford, Essex, RM3 9PB.**

[within the district of the Council] arising from:

### Amplified music played at an excessive volume

HEREBY REQUIRE YOU as the owner of the premises from which the noise is or would be emitted, immediately from the service of this notice [to abate the same] [and also]

[HEREBY [PROHIBIT]] the [ [recurrence] of the same]

**Note:** Should the provisions of this Notice not be complied with, an application may be made for a warrant to both enter the said premises and to carry out such necessary works to abate the nuisance and prevent its recurrence (e.g. removal of all or part of the equipment giving rise to the nuisance).

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the standard scale \* \* together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred

Dated 3 October 2012

**Public Protection Manager  
Housing & Public Protection  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford, Essex RM1 3SL**

(Signed) .....

(Designation) **Franklyn Orharhuge**  
**Environmental Health Officer**

The officer appointed for this purpose

COPY

N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See notes on the reverse of this form.

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\*\* Currently £5,000, subject to alteration by Order.

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## NOTES

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

### APPEALS UNDER SECTION 80(3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
  - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
  - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80(3) (certain notices in respect of vehicles, machinery or equipment);
  - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
  - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
  - (e) where the nuisance to which the notice relates:-
    - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
    - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
    - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
  - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
    - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
    - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
  - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
  - (h) that the abatement notice should have been served on some person instead of the appellant, being-
    - (i) the person responsible for the nuisance, or
    - (ii) the person responsible for the vehicle, machinery or equipment or
    - (iii) in the case of a nuisance arising from any defect a structural character, the owner of the premises, or
    - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
  - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being-
    - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-
    - (i) a person also responsible for the nuisance, or
    - (ii) a person who is also owner of the premises, or
    - (iii) a person who is also an occupier of the premises, or
    - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may-
  - (a) quash the abatement notice to which the appeal relates, or
  - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
  - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the Local Authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-
  - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
  - (b) as to the proportions in which any expenses which may become by the Authority under Part III of the 1990 Act or to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court-
  - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
  - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that the person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

### SUSPENSION OF NOTICE

3. (1) Where-
  - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and-
  - (b) either-
    - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
    - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
  - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where-
  - (a) the nuisance to which the abatement notice relates-
    - (i) is injurious to health, or
    - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
  - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice-
  - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
  - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.





**Havering**  
LONDON BOROUGH

William The Conqueror  
Petersfield Avenue  
Harold Hill  
Romford  
Essex  
RM3 9PB  
(for the attention of Mrs Kelly Clarkson-Designated  
Premises Supervisor)

Your Reference:  
My Reference: MDG/002146

Dear Mrs Clarkson

**Environmental Protection Act 1990-Section 79-82**  
**William The Conqueror, Petersfield Avenue, Harold Hill, Romford, Essex.**

Further to our conversation of the 12<sup>th</sup> November 2012 concerning the the observations made by my colleague Frank Orharhuge on the 11<sup>th</sup> November 2012 between 01:50 hours and 02:10 hours.

From the observations carried out by my colleague he is satisfied that the music witnessed from the complainant's address constituted a statutory noise nuisance. From his observations was also satisfied that due the level and the clarity of the music being played that it was coming from your premises and not from a dark blue VW Beetle as you claim. My colleague did carry out observations outside, in the vicinity of your premises and did not witness the vehicle you claim to be responsible for the music.

The Council is now in a position where we can serve an Abatement Notice in respect of Noise Nuisance upon you as the person responsible. However this course of action is not being pursued at this point in time only because of your recent co-operation. Should officers witness a further statutory noise nuisance this course of action will be pursued and consideration will also be given to reviewing your Premises Licence. In addition such evidence will have to be taken into account when considering any future applications for Temporary Event Notices.

I would appreciate being notified when you have completed the works to create an additional lobbied exit within the bar area where the live music is played. I can then visit to confirm these works are adequate and if appropriate reset the volume level guidelines previously given.

I look forward to your continued co-operation, avoiding the recurrence of the problems witnessed this weekend.

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**Public Protection**

Homes, Housing & Public  
Protection  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

**Telephone: 01708 432777**

Fax: 01708 432554

email:

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

Textphone ♯: 01708 433175

Date: 12 November 2012

Yours Sincerely

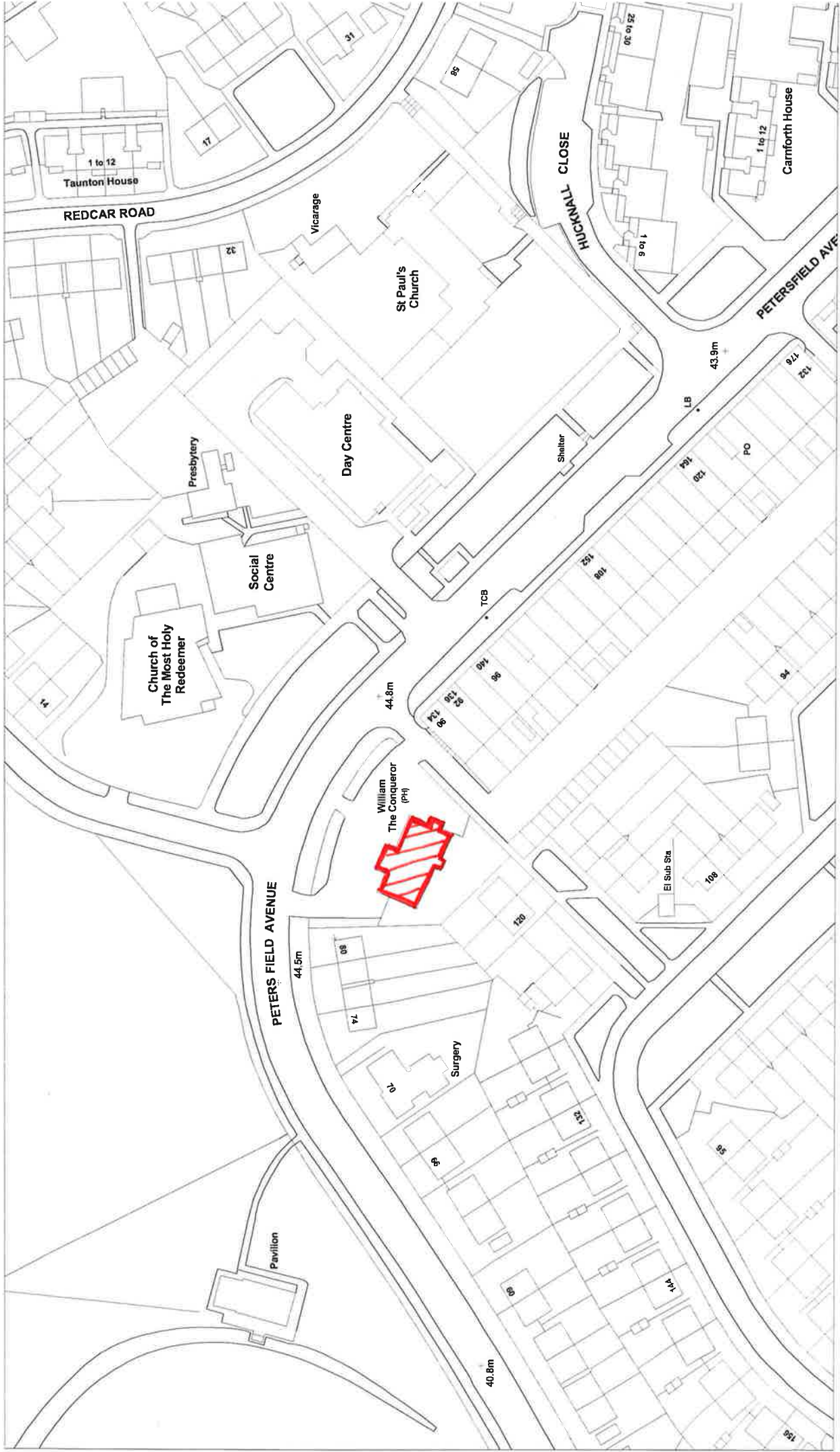
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Marc Gasson  
Noise Specialist

cc-Paul Jones-Licensing Officer

cc-David Fern-Metropolitan Police Licensing Officer.

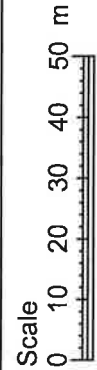
cc- Rebecca Farley  
Licensing Administrator  
Admiral Taverns (Chester) Ltd  
Suite H3  
Steam Mill Business Centre  
Steam Mill Street  
Chester  
CH3 5AN



**William the Conqueror PH**

Map Reference: TQ5492SE  
Date: 06/12/2012

Scale @ A4  
1:1250



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



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