

Licensing Act 2003 – responsible authority representation

This representation is made by a responsible authority for the London Borough of Havering concerning a premises licence application for the premises as detailed below.

Applicant:

Premises: Berwick Manor Berwick Pond Road Rainham RM13 9EL

Name: Oisín Daly

Organisation: London Borough of Havering Licensing Authority

Address: c/o Town Hall Main Road Romford RM1 3BD

Email: oisin.daly@haverling.gov.uk

Telephone no.: 01708 433661

Objection summary:

Due to a history of complaints relating to the external area the authority recommends an external terminal hour of 00:00 seven days a week for licensable activities, including in any marquees.

Policy considerations

12. Licensing Hours

12.1 When dealing with new and variation applications the Licensing Authority may give more favourable consideration to applications with the following closing times:

Public Houses and Bars 23:00 hours Sunday to Thursday Midnight Friday and Saturday

Nightclubs 01:00 hours Sunday to Thursday 02:00 hours Friday and Saturday

Restaurants and Cafes 23:00 hours Sunday to Thursday Midnight- Friday and Saturday

Off licences 23:00 Monday to Sundays

Hot food and drink supplied by takeaways, fast food premises Midnight- Sunday to Thursdays 01:00 Friday and Saturday

Hotel residents only 24 hours sale of alcohol for on sales only

12.2 Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23.30 in residential areas and 00.30 in mixed use areas. 28

12.3 The above hours are a guide and each application will be considered on it's own merits.

12.4 The above hours are intended to guide applicants on the Licensing Authority's expectations when preparing their operating schedules.

12.5 For applications within the above hours there is no presumption that the application will automatically be granted in all cases where a relevant representation has been made. If no representations are received, the application will be granted by the licensing authority under delegated powers.

12.6 Applicants who wish to provide licensable activities outside the hours specified above should ensure where relevant the operating schedule specifies detailed measures to militate against crime, disorder and public nuisance etc. taking into account:

- The location of the premises and the character of the area in which they are situated
- The proposed hours during which licensable activities will take place
- The adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance
- Whether customers have access to public transport when arriving at or leaving the premises
- The proximity of the premises to other licensed premises in the vicinity and the hours of operation of those other premises policies and proposals for the orderly dispersal of customers.

Representation

The premises is a hotel situated in a rural area, previous complaints have related to noise and disturbance in the area following events held externally.



The complaints were generated as a result of externally promoted events utilising their own sound systems in the garden area, additional complaints have also been received around the dispersal from events.

Following complaints of an event in 2020 a meeting was held at the premises on the 15th September 2020. The cause of the complaint was the external area and noise pollution caused by sound travelling a long distance and disturbing neighbours.

It was made clear at the time that the external area was not covered by the premises licence plan. In spite of this an event was carried out which generated noise concerns as observed by local authority officers.

A further event held externally in July 2021 generated a number of complaints.

The application acknowledges some of these issues and steps have been taken to obtain expert advice in relation to limiting noise escaping from the premises.

However, the application also seeks to authorise the use of the external area for licensable activities until 00:30 Sun-Tues and until 01:30 Weds-Sat.

There is a risk of the licensing objective of the prevention of public nuisance being undermined were the licence to be granted until those hours.

The premises have undertaken acoustic assessments, yet these have not been tested in practice.

Were the committee to grant the licence then the authority would recommend that the terminal hour for licensable activity externally be limited until 00:00hrs on any given day.

The premises would still be able to benefit from temporary event notices, they could then carry out a limited number of events under that authority and evidence that later hours do not cause an issue.

Whilst acoustic reports have been completed, the premises cannot evidence a history of

compliance or complaints specifically related to the external area.

Complaint and inspection history (if applicable)

Summary of event 27/09/2020:

Joe and I visited Berwick Manor on the 27/9/2020 as part of our weekend covid duties.

Joe visited earlier in the day but at that time there were only about 10 patrons present and therefore no issues.

Joe and I visited from 18:45 hours and would raise the following issues:-

1. Traffic congestion/accident hazard on Berwick Pond Road o/s venue, due to poor traffic management to both the car parking in a separate field and to venue itself. Only two security staff marshalling access to both entrances. This in my opinion was inadequate and combined with the fact that any vehicles wishing to enter the carpark/venue were being held in Berwick Pond Road itself. Also no signage set up in approaches to the venue warning of possible upcoming traffic congestion due to event. In addition due to poor vision due to tight turns in the road in the vicinity of the venue there is a clear accident hazard.
2. No significant parking of vehicles in Berwick Pond Road apart from 5-6 vehicles parked in the entrance to the field approximately 100 metres from the entrance to the venue. As we approached the venue three ladies were walking in the road towards the venue.
3. Met at the front of the venue by Alison, the event manager, and were shortly joined by a transit van of police who were responding to a number of complaints of noise from a nearby resident of loud bass music from an illegal rave.
4. Outside the venue there were a large number of patrons queuing to complete "Track & Trace" social distancing was not being observed and no effective marshalling was being undertaken during our observations. In addition no wearing of face masks by patrons in the queues.
5. Alison showed around the event itself there were at least three pods where there were well in excess of the 6 people in them. This was not recognised by Alison and no action was taken by her until we pointed out by us. No intervention witnessed by the security staff present on their own initiative.
6. Large number of people spilling outside of their pods, into walkways and therefore compromising social distancing. Again no intervention from Alison or security staff until it was highlighted to them by us.
7. Level music when measured was below the 80dB level set, concern with level of bass and I requested this be reduced.
8. Alison confirmed no off site monitoring of noise being undertaken at the events to date, only on site. Agreed to do this going forward and suggested two locations, outside properties at Junction of Berwick Pond Road/Upminster Road North and outside the properties in Lake Avenue, Rainham.
9. Use of toilets inside the building for patrons, queuing with no social distancing, no security intervention, no wearing of face masks by patrons although Alison did these were being offered to the patrons not witnessed during our visit.
10. Patrons and staff congregating around DJ stand no social distancing observed.

Summary of complaint from 24/07/2021:

On Saturday 24th July at around 11:20 pm I was driving from Upminster Road North into Berwick Pond Road.

On entering Berwick Pond Road it was clear there was a problem caused by an event held at the Berwick Manor Hotel. There were numerous cars parked on the grass verges on both sides of the road narrowing the road considerably and traffic was practically at a standstill. There were intoxicated people walking in the middle of the road. Cars collecting attendees of the event by stopping in the road with one female passenger actually falling out of the car onto then road as the car moved. Those cars were then turning around in the road causing further obstruction.

There were stewards in the road wearing high viz but as you will be aware the road has no form of lighting. The stewards were clearly overwhelmed, inexperienced and ineffective and were directing traffic inappropriately. It took me over 10 mins just to drive passed the Berwick Manor Hotel.

The outcome was a chaotic and dangerous environment for all concerned. The event was clearly too large for the venue and the management of the event extremely poor.

I have reported this to the police and the licensing team at Havering Council by email.

I would like some reassurance that the Berwick Manor Hotel will not be allowed to hold an event of this size in the future. The venue was clearly inappropriate for the event, with insufficient parking and no mitigation in place. I would like to know whether they had the authority to hold and direct traffic on a public highway as there could very easily been an accident last night.

Other documents attached

PDF - Berwick Manor agenda minutes 15092020

Email – SG Complaint

PDF- Unredacted complaint

Email – Record of LA obervations 27/09/2020

Signed *Oisín Daly*

Dated 15/04/2024