MINUTES OF
LICENSING SUB-COMMITTEE

Tuesday, 15 December 2015
(7:00 - 7:33 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Faruk Choudhury and Cllr Chris Hughes

25. Declaration of Members' Interests

There were no declarations of interest.

26. Determination of Objection to Temporary Event Notice: The Club, 121 Broad Street, Dagenham, Essex, RM10 9HP

The Councils Licensing Officer, Mr Paul Adams, presented a report in respect of three Temporary Event Notice (TEN) applications which had been received from The Club, 121 Broad Street, Dagenham, Essex, RM10 9HP.

The Sub-Committee were advised that on 3 December 2015, three applications were submitted for the grant of a Temporary Event at the premises for the following:

- 28 December 2015 - Back Hall/Club Lounge – 19:00 to 02.00
- 31 December 2015 - Front Bar – 19:00 to 02.00
- 31 December 2015 – Upstairs Hall – 19:00 to 0200

All notifications are for the sale by retail of alcohol; the provision of regulated entertainment and the provision of late night refreshment.

On 4 December 2015 the Licensing Department received a notification from London Borough of Barking and Dagenham Noise Team that they would be objecting to the three Temporary Event Notices due to substantiated noise complaints from the premises.

Tim Jones and Andrew Martin from the Councils Noise Team were present to advise on their objection to the TEN’s. The Chair invited Mr Jones to address the Sub Committee.

Mr Jones advised that they felt that the TENs as applied for would undermine the licensing objective of prevention of public nuisance. An abatement notice under section 80 of the Environmental Protection Act 1990 had been served on the premises earlier in the year and following a breach of the notice in April, the premises were successfully prosecuted on 2 October 2015.

There had been further complaints regarding noise from residents, particularly in relation to an event in November 2015, however Mr Adams advised the Sub-Committee that he has been advised by the Police that the incident which took place outside the premises in November was not considered to be the
Mr Hand, the owner of the premises, was present and was given the opportunity to address the Sub-Committee.

Mr Hand advised that since the incident in April, the premises had taken steps to ensure limited noise was escaping from the venue during events. There had only been one complaint received since April and the Police had not raised any issues with the premises. Investment had been made to the premises to ensure neighbouring residential properties were not disturbed, with any disruption kept to a minimum.

In response to a question from the Sub-Committee, Mr Hand advised there were approximately 4 – 6 door staff in place when an event was being held.

The Chair allowed both parties to sum up their case. The Sub-Committee then retired to consider their decision.

DECISION

In arriving at the decision, the Sub-Committee had considered very carefully each point made by the parties present. The Sub Committee also considered the following:

(a) London Borough Barking and Dagenham’s policy on the Licensing and the objectives of protection from public nuisance.

(b) The Sub-Committee weighed all the evidence, the individual merits of the case, the relevance of the applicant’s record, its policy, its obligations to act in the interests of protecting the public and the detrimental effect of any refusal on the applicant.

Mindful of the residential situation of The Club and that one of the TEN's was for extended hours on a weekday the Sub-Committee resolved that:

1. The TEN’s for Monday the 28th December be granted however that licensable activities end at midnight rather than at 02.00. The conditions of the licence attach to the TEN.

2. The TEN's for 31st December 2015 be granted as applied for, and that the conditions of licence attach to the TEN.