

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 16 July 2018

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

<p>A1</p>	<p>APPLICATION FOR A PREMISES LICENCE - BRETONS SPORTS & SOCIAL CLUB</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES: Bretons Social Club 411 Rainham Road Rainham RM13 7LP</p> <p>DETAILS OF APPLICATION</p> <p>The application for a premises licence was made by Bretons Sports & Social Club under Section 17 of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 23 May 2018.</p> <p>APPLICANT</p> <p>1. Details of requested licensable activities</p>
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		<table border="1"> <thead> <tr> <th align="center" colspan="3">Provision of live and recorded music & Provision of anything similar to live or recorded music or performance of dance</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr><td>Monday</td><td></td><td></td></tr> <tr><td>Tuesday</td><td></td><td></td></tr> <tr><td>Wednesday</td><td></td><td></td></tr> <tr><td>Thursday</td><td></td><td></td></tr> <tr><td>Friday</td><td align="center">19:00</td><td align="center">23:30</td></tr> <tr><td>Saturday</td><td align="center">12:00</td><td align="center">23:30</td></tr> <tr><td>Sunday</td><td align="center">12:00</td><td align="center">22:30</td></tr> <tr><td></td><td></td><td></td></tr> <tr> <th align="center" colspan="3">Supply of alcohol</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> <tr><td>Monday</td><td></td><td></td></tr> <tr><td>Tuesday</td><td></td><td></td></tr> <tr><td>Wednesday</td><td></td><td></td></tr> <tr><td>Thursday</td><td></td><td></td></tr> <tr><td>Friday</td><td align="center">19:00</td><td align="center">23:30</td></tr> <tr><td>Saturday</td><td align="center">12:00</td><td align="center">23:30</td></tr> <tr><td>Sunday</td><td align="center">12:00</td><td align="center">22:30</td></tr> </tbody> </table> <p>2. Details of Representations</p> <p>There was a representation against the application for a new premises licence from an interested person. There were no representations against the application from</p>	Provision of live and recorded music & Provision of anything similar to live or recorded music or performance of dance			Day	Start	Finish	Monday			Tuesday			Wednesday			Thursday			Friday	19:00	23:30	Saturday	12:00	23:30	Sunday	12:00	22:30				Supply of alcohol			Day	Start	Finish	Monday			Tuesday			Wednesday			Thursday			Friday	19:00	23:30	Saturday	12:00	23:30	Sunday	12:00	22:30
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		<p>responsible authorities.</p> <p>3. Promotion of the Licensing Objectives</p> <p>The applicant acted in accordance with regulations 25 and 26 of the Licensing Act 2003 (Premises licenses and club premises certificates) Regulations 2005 relating the advertising of the application. The required public notice was installed in the Yellow Advertiser on the 1 June 2018.</p> <p>The venue has submitted 24 Temporary Event Notices between June 2016 and March 2018. Only Environmental Health and the Police can oppose a Temporary Event Notice but nothing was received from either party on each occasion.</p> <p>A noise complaint was received on the 3rd June 2017 from a member of the public. A letter was sent to the venue on the 7th June 2017 from Environmental Health. The case was closed on the 31st August 2017 as there was no follow up to the complaint by the resident.</p> <p>4. Determination of Application</p> <p>The Licensing Officer presented the application informing the sub-committee that the premises had been granted 24 Temporary Event Notices between June 2016 and March 2018.</p> <p>The Sub-Committee noted from the report that a noise complaint was recorded from a member of the public in June 2017 but the case was closed on 31 August 2017 as there</p>

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		<p>was no follow up to the complaint by the resident.</p> <p>In response to an enquiry the Sub-Committee was informed that clients at the premises will have 30 minutes drinking up time following the end of the operating</p> <p>A representation was received from Jane West on behalf of Havering Council, on the grounds of Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm.</p> <p>During her oral representations, Ms West raised a number of concerns relating to the intensified use of the premises, the increased risk to public safety if the licence were granted, issues relating to the lack of communication between the applicant and the Council regarding the CCTV and fire alarms which still required the Council's permission prior to installation. Ms West also mentioned issues relating to the lease, health and safety, and the applicant's failure to conduct regular checks of the fire alarms on site including problems with a deep fat fryer that had to be removed due to a safety issue. Ms West informed the sub-committee that the Council was also concerned that a noise or traffic assessment had not been undertaken which may lead to problems with a build-up of traffic, and finally the safety of children attending the nursery on site would be compromised if the licence was granted.</p> <p>The Sub-Committee also heard a response to the representations from Mr Robert Baker who attended on behalf of the applicant. He was accompanied by Peter Dyer the Treasurer of Bretons Sports & Social Club.</p> <p>Mr Baker informed the sub-committee that he was the Chairman of the Club and he had been in the position for five years, the club had been running since 1978 and this was not a new</p>

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		<p>business. It was stated that the issues relating to the fire alarm had been ongoing for 18 months. Mr Baker confirmed that he had been trying to resolve the various issues such as fire safety, however none of these related to the hall, but were in fact in relation to the Manor house. He indicated that the hall had been running for 20 years and in the last two years had been granted 24 TENS without any problems following which they decided to apply for a premises licence. He confirmed that a CCTV and fire alarms have been fitted, funded and maintained in respect of the car park, which was open to the public and owned by the Council . In addition here was a separate car park for the hall for up to 20 cars.</p> <p>He informed the sub-committee that cleaners were employed who worked Monday to Sunday from 6 am to ensure the premises was kept clean and safe. Regarding staff training he confirmed the staff have been running the bar for a number years and were experienced, reiterating they have had been granted 24 TENS over a period of 2 years during which time one complaint had been received which arose from another group not connected to their premises. Mr Baker informed Members that there had not been any problems with people leaving the premises on time after the events. Mr Baker ran through the types of spirits that would be sold at the bar and responded to questions from Members regarding children that may also attend these events with their families and also clarified to Members regarding the bar area. Mr Baker confirmed that in their view the car park was not managed properly by the Council which was why there were problems and did not accept these related to the events held in the hall.</p> <p>Further questions followed from the Sub-Committee surrounding the previous TEN's and the number of people attending the events. Mr Baker informed the sub-committee that the events were ticketed and attendees were monitored by the number of sales made, and sales were counted to ensure these did not exceed the maximum permitted numbers in the hall. The Sub-Committee also asked questions relating to the licensing times and how the applicant proposed to manage the car park. The applicant confirmed there would be 6 committee members in attendance at each event, they normally manage the car park and will continue to do so for</p>

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		<p>future events. He also added the bar staff are primarily hired to undertake the bar work only.</p> <p>Mr Baker estimated there would be up to about 20 cars at each event, and confirmed events other than weddings were promoted via social media using the clubs Facebook page, and that they would obtain the name and address of each attendee. He indicated there are generally two events a year and that the Association had spent over a £100,000.00 to renovate the building.</p> <p>Ms West raised questions for the applicant, namely whether they intended to sublet the building to which Mr Baker responded there were no plans to do so. Further questions were asked relating to the lease and whether the company as a separate legal entity had obtained it's own insurance. The applicant stated they would only apply for insurance if the licence was granted.</p> <p>Finally the Sub-Committee asked Mr Baker how they intended to keep up to date with Health and Safety regulations. In response Mr Baker confirmed that a committee member had that responsibility and he provided staff with regular training updates.</p> <p><u>Decision:</u></p> <p>The Sub-Committee carefully considered the written representations and oral submissions made by all parties at the hearing on 16 July 2018 and the proposed conditions put forward by the applicant.</p> <p>In reaching their decision they considered their duty to promote the licensing objectives and had regard to the statutory guidance issued under s.182 of the Licensing Act 2003 and the Council's up to date Licensing Policy.</p> <p>Having considered the above, the Sub-Committee decided to grant the premises licence for the reasons as follows;</p>

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		<p>The Sub-Committee carefully considered the above written/oral representations of Ms Jane West on behalf of the council. Whilst they agreed that some of the concerns raised related to the licensing objectives, they considered they could effectively be resolved by imposing additional conditions on the licence. Other issues raised relating to the lease and subletting of the premises were beyond the remit of the Licensing Sub-Committee.</p> <p>Members also considered the above submissions of the applicant Mr Baker who satisfactorily addressed a number of the issues raised during the hearing relating to car parking, fire safety, noise nuisance and the protection of children from harm. They were satisfied that the conditions offered were tailored to the location and type of activities the applicant wished to hold at the premises, which would be effective in controlling the concerns raised.</p> <p>Members were satisfied that the applicant Mr Baker came across as organised and efficient in the running of their events and were content that the premises would be managed responsibly. This coupled with stringent conditions in place would not in their view undermine the licencing objectives relating to Public Safety, the Prevention of Public Nuisance and the Protection of children from Harm.</p> <p>Members also took into account that none of the responsible authorities had made any of their own written representations or substantiating the concerns of the representation of Ms West. Other than one previous complaint of noise nuisance which had been resolved, there was no reported history or evidence of complaints from residents of incidents arising from the premises generally.</p>

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		<p>Therefore the premises licence has been granted as follows:</p> <p><u>Premises Opening and Closing Times :</u></p> <p>Monday - Thursday 08:00 – 15:00</p> <p>Friday 08:00 – 15:00</p> <p>Friday 19:00 – Midnight</p> <p>Saturday – Sunday 12:00 Noon - Midnight</p> <p><u>Sale of Alcohol (on premises only):</u></p> <p>Friday 19:00 – 23:30</p> <p>Saturday 12:00 Noon – 23:30</p> <p>Sunday 12:00 Noon – 22.30</p> <p><u>Provision of live and recorded music & Provision of anything similar to live or recorded music or performance of dance</u></p>

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		<p>Friday 19:00 – 23:30</p> <p>Saturday 12:00 Noon – 23:30</p> <p>Sunday 12:00 Noon – 22:30</p> <p><u>Conditions:</u></p> <p><u>A CCTV system shall be installed at the premises on the following terms:</u></p> <p><u>1</u></p> <p>(i) The CCTV shall be maintained in working condition and record the premises 24hours a day;</p> <p>(ii) Recordings to be retained for a minimum of 31 days and be made available to the Police or officers of the Council upon request and must be of evidential quality;</p> <p>(iii) The equipment will have a suitable export method i.e. CD/DVD/USB facility so that the Police can make evidential copy of the data they require, this data should be in the native file format to ensure that no image quality is lost when making the copy;</p>

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		<ul style="list-style-type: none"> <li data-bbox="891 517 2047 695">(iv) If this format is nonstandard, i.e. manufacturers proprietary, then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the Police and the Licensing Authority on a standard computer. Copies must be made available to the Police and the Licensing Authority upon request; <li data-bbox="891 751 2085 895">(v) Staff working at the premises will be trained in the use of this equipment and a least one member of staff shall be present during permitted hours who can work and download CCTV if requested by a police officer or authorised officer from LBN and a log will be kept to verify this; <li data-bbox="891 951 2058 1018">(vi) Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e. capable of identification; <li data-bbox="891 1086 1989 1153">(vii) To have signs displayed in the customer area to advise that CCTV is in operation; and <li data-bbox="891 1222 2051 1331">(viii) Should the CCTV become non-functional the Premises Licence holder/DPS shall take immediate steps to rectify the situation as soon as possible and inform the relevant licensing authority immediately.

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		<p>(ix) CCTV shall be maintained in good working order and be of evidential quality, shall record at all times the premises are open, recordings shall be kept for a minimum of 31 days, shall have the capability to either download that footage on to a disc or similar data transfer device and shall be produced on request of Police, Trading Standards or Council Officers.</p> <p>(x) The CCTV system shall be checked on a weekly basis to ensure that it is working/recording a record of this shall be recorded in the CCTV log book with the premises licence holder/DPS recording the date and time of the check. The record shall be recorded in a bound and number page book this register is to be kept on the premises at all times and made available to the Police and the authorised council officers. Full books shall be retained at the premises for a period of 12 months</p> <p>2. <u>Challenge 25</u></p> <p>The licensee will adopt a “Challenge 25” policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.</p> <p>The licensee will prominently display notices advising customers of the “Challenge 25” policy.</p> <p>The following proofs of age are the only ones to be accepted:</p> <p>(i) Proof of age cards bearing the "Pass" hologram symbol</p> <p>(ii) UK Photo Driving licence;</p>

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		<p>(iii) Passport</p> <p>1. The licensee or DPS shall keep a register of refused sales of all age-restricted products and this will be kept in a Refusal Book.</p> <p>3. Refusal Book:-</p> <p>i) The Refusals' Book shall contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.</p> <p>ii)The Refusals Book shall be examined on a regular basis (weekly) by the licensee or DPS and date and time of each examination to be endorsed in the book. Analysis of staff refusals and data such as the time/day of refusals to be carried out by the Licensee on a regular basis in order to predict trends and identify staff training and compliance issues.</p> <p>iii) The Refusals Book shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police at any time during licensed hours.</p> <p>4. Staff Training:-</p> <p>i)The licensee / DPS shall keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and</p>

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		<p>national insurance number of each person so authorised. The staff record will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p> <p>ii)The licensee/DPS shall ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that all staff authorised to sell alcohol receive training on identifying customers who may be under the age of 25 years. All training will be properly documented and training records kept. The training records will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police. The training must also cover proxy sales.</p> <p>iii)The licensee/DPS shall ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in relation to verifying a customer’s age and is able to effectively question purchasers and check evidence of proof of age.</p> <p>iv) The licensee/DPS shall ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under-25s attempting to purchase alcohol.</p> <p>v) A register of all employees, working at the premises daily shall be maintained in writing together with their job titles, names, address and shall include the times they were on duty. This record shall be recorded in a bound and number page book, the Premises licence holder/DPS shall endorse weekly each record with the date and time the record was endorsed. This register is to be kept on the</p>

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		<p>premises at all times and made available to the Police and the authorised council officers. Full books shall be retained at the premises for a period of 24 months</p> <p>vi) All staff to undergo refresher staff training this is to include the conditions attached to the licence every 3 months and the training to be recorded and signed for by the employee and the DPS/Premises Licence holder. The record shall be recorded in a bound and number page book this register is to be kept on the premises at all times and made available to the Police and the authorised council officers. Full books shall be retained at the premises for a period of 24 months</p> <p>vii) The licensee/DPS shall ensure that effective controls are in place to ensure that persons (whether staff or otherwise) who are not authorised to sell alcohol cannot do so. This would be likely to include a rota system where at least one authorised person is present at all times during licensing hours.</p> <p>Viii) The licensee/DPS shall ensure that the training records and training includes the permitted hours in which alcohol can be sold, the conditions that are attached to this licence. The training records shall be kept in a bound and page number book.</p> <p>ix) All staff shall be trained on the permitted times of sale of alcohol and the conditions attached to the licence</p> <p>5. Signage:</p>

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		<p>Relevant signage shall be displayed by the entry / exit doors and points of service as appropriate advising customers and guests:</p> <ul style="list-style-type: none"> i) That Challenge 25 and CCTV are in operation; ii) Asking customers & guests to respect residents & leave quietly, not to loiter outside and not to bang car doors, rev their engines or play loud music; iii) Not to drop litter outside; iv) Displaying a phone number for customers / guests needing a cab and advising that staff will call a cab for anyone needing one; v) Advising of the provisions of the Licensing Act 2003 including re underage and proxy sales; <p>6 Noise Precautions:</p> <ul style="list-style-type: none"> i) There shall be no receipt of goods or removal of any rubbish especially glass between the hours of 20.00 and 08.00 the following day. ii) No music whether amplified or not or amplified speech may be played outside the premises at any time <p>7 External Areas/Smoking Areas:</p> <ul style="list-style-type: none"> i) There shall be a designated smoking area for a maximum of 20 people The area must be provided with suitable ashtrays/bins, the use of which is monitored by staff. <p>.</p>

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		<p>ii) All alcohol may only be served in plastic glasses and all bottles must be decanted before service in the outside area of the premises.</p> <p>8. Fire Safety:</p> <p>i)The Licensee/DPS shall ensure a fire risk assessment is undertaken at least 21days prior to the first event taking place at the Hall and annually thereafter, copies of the risk assessment to be kept on the premises and made available to responsible authorities upon request</p> <p>9. Capacity, Control And Management of Customers:</p> <p>i) The occupancy shall be restricted to 250 persons in the premises. The occupancy figure includes staff, performers and public. The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time. Appropriate controls shall be put in place to ensure that the occupancy of the premises / specified areas are not exceeded at any time.</p> <p>ii) Access to any pre-booked functions eg wedding receptions, anniversaries, birthday parties and wakes etc shall be controlled by means of a guest list provided by the hirer. In respect of wedding receptions, anniversaries etc late guests may be admitted subject to the hirer and person in charge of The Centre agreeing and that the maximum capacity permitted by the Fire Risk Assessment is not exceeded. Such events shall not be open to the general public.</p> <p>10) No drinks or glasses shall be taken off the premises.</p>

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		<p>11) A personal licence holder shall be on duty at all times during private events e.g. weddings, parties and wakes when alcohol is being sold.</p> <p>12) The Licensee/DPS shall ensure separate insurance such as Public Liability/Employers Liability insurance in respect of the hall is obtained and in place at least 28 days prior to the first event taking place and kept up to date annually thereafter</p> <p>These conditions have been added to the premises licence as they are appropriate, justified and proportionate to promote the licensing objectives of; the Protection of Children from Harm, the Prevention of Crime and Disorder, and the Prevention of Public Nuisance and Public Safety.</p> <p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision.</u></p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and

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		4. Make an order for costs as it sees fit.
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