

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
2 November 2009 (2.30 pm – 4.00 pm)**

Present:

COUNCILLORS:

Conservative Group Georgina Galpin(Chairman), Lynden Thorpe

Residents' Group John Mylod

Brian Eagling and Maggie Sands (for the applicant, Graham Hopkins (applicant's representative), Mr E J and Mrs S Tattum (Objectors) and Mr J Brand (Observer). Also present Steve Bromley (Licensing Officer), Alex Cumming (Legal Adviser to the Sub-Committee) and James Goodwin (Clerk to the Sub-Committee) were also in attendance.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

The Sub-Committee adjourned at the end of the hearing to consider its decision, and reconvened to announce it.

CONSIDERATION OF A PREMISES LICENCE IN RESPECT OF THE HAROLD WOOD NEIGHBOURHOOD CENTRE, THE OLD SCHOOL, GUBBINS LANE, HAROLD WOOD, ROMFORD, RM3 0QA.

The Sub-Committee considered an application for a licence for the above premises as follows:

DETAILS OF APPLICATION

Application for a premises licence under section 17 of the Licensing Act 2003 ("the Act").

APPLICANT

The Harold Wood Neighbourhood Centre,
The Old School,
Gubbins Lane,
Harold Wood
Romford
RM3 0QA

1. Details of application

Supply of alcohol – with 30mins consumption time.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:00 hours

Films.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:00 hours

Live Music.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:00 hours

Recorded music.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:00 hours

Performance of dance.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:00 hours

Provision of facilities for dancing.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:00 hours

Hours premises open to the public.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:30 hours

2. Details of Variation

Christmas Eve and New Years Eve to be from 11.00hrs to 00.30hrs the following day on all licensable activities including the hours open to the public.

3. Promotion of the Licensing Objectives

The applicant has completed the operating schedule, which forms part of his application, which shows the steps he will take to promote the four licensing objectives:

4. Details of Representations

Representations Objecting to the Application from "Interested Parties"

One valid written representations was received from Mr E J Tattam, 135 Squirrels Heath Road, Harold Wood, RM3 0NT

The representations fell mainly under the heading of the prevention of public nuisance.

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”): None

London Fire & Emergency Planning Authority (“LFEPA”): None.

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None

Public Health: None

Children & Families Service: None

Trading Standards Service: None

The Magistrates Court: None

5. Determination

Consequent upon the hearing held on 2 November 2009, the Sub-Committee’s decision regarding the application for a Premises Licence for The Old School, Gubbins Lane, Harold Wood, Romford was as set out below, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

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

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy.

In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Agreed Facts	
Facts/Issues	
Issue 1	Whether the granting of the premises licence would undermine the prevention of public nuisance.

Issue 1	<p>Public Nuisance</p> <p>The objector was concerned that he would be disrupted by excessive noise caused by beer bottles being placed into containers, beer barrels being delivered, noise from persons sorting barrels and crates of bottles. In the past he alleged that these activities were going on till midnight. He had asked that the delivery of beer barrels be restricted to the far end of the building to reduce noise.</p> <p>The applicants had agreed to restrict the delivery of bottles and barrels to the hours of 09:00 to 19:00 and further agreed to ensure empty bottles and barrels, and rubbish was kept in the premises until they could be disposed of the next day within these hours. They were unable to agree to the deliveries being made to the far end of the premises as this was impractical.</p> <p>The applicants had withdrawn their application for a late night refreshment licence and agreed that no hot food would be cooked on the premises. Users of the hall requiring refreshments would have to make their own arrangements to have the food delivered.</p> <p>The applicants also agreed to ensure that the double glazed windows and doors would be kept closed whenever the premises were in use. They would also monitor use of the smoking shelter to ensure alcohol was not taken outside for consumption.</p>
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6. Decision

Having considered the oral and written submissions on behalf of the applicant, objectors and the licensing officer, the Sub-Committee **granted** the application as follows:

Supply of alcohol – with 30mins consumption time.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:00 hours

Films.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:00 hours

Live Music.

Day	Start	Finish
Monday to Sunday	11:00 hours	23:00 hours

Recorded music.

Day	Start	Finish
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Performance of dance.

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Provision of facilities for dancing.

Day	Start	Finish
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Hours premises open to the public.

Day	Start	Finish
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Christmas Eve and New Years Eve to be from 11.00hrs to 00.30hrs the following day on all licensable activities including the hours open to the public.

Reason for Decision

The Sub-Committee had listened to all parties, and taken into account the concerns about public nuisance. They have confirmed that the application only relates to the extension at the rear of the site and not the Old School building at the front of the site. Having listened to the applicants desire to work with the community as a good neighbour, their offer to ensure a member of the Management Committee is on site at all times when the building is being used, the Sub-Committee have decided to **grant** this premises licence.

The Sub-Committee noted that this is an application submitted by a new applicant and were advised that the previous operators were not involved with the new Management Committee. They were therefore unable to take into account the actions of the previous licensees.

The applicants had agreed to restrict the delivery of bottles and barrels to the hours of 09:00 to 19:00 and further agreed to ensure empty bottles and barrels, and rubbish was kept in the premises until they could be disposed of the next day within these hours. Much of the objectors concerns were not directly linked to this application, however, the applicants have withdrawn the application for late night refreshments, to eliminate smells and reduce the possibility of noise when windows are opened to eliminate smells. They have also given strict assurance that hot food will not be prepared or cooked on the premises.

The applicants have also given assurance that all double glazed doors and windows will be closed at all times during events and the fire doors will remain closed but not locked. No drinks will be allowed to be consumed outside the premises and smokers will be

supervised by a staff member/caretaker or Committee Member to ensure they use the smoking shelter and do not take drinks outside.

The applicants advised that that the premises would be used as a Community Centre for the use of the whole community. It will be available for hire for events only, rather than as a Social Club as previously. Hirers would be responsible for controlling young people outside the hall, particularly in the car park.

The applicants gave an assurance that the premises would not be hired out for eighteenth birthday parties.

The applicants had offered to install a suitable CCTV system and this would need to comply with the following conditions:

1. CD15

A properly specified and fully operational CCTV system shall be installed. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk, including a camera to cover the exterior of the premises.

2. CD16

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.

3. CD17

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.

4. CD18

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 will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.

5. CD19

The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should

only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.

The applicants had also indicated that they would adopt and support a Challenge 21 Scheme & accept either Passport or Photographic Driving Licence identification and would, therefore, comply with the following conditions:

6. CDGPG3

Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

7. CDGPG11

All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 21 years and who is seeking to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will include a passport or a photographic driving licence..

8. CDGPG12

All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

9. CDGPG13

Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved

The applicants stated they would operate in a responsible manner for those under the influence of alcohol and would operate a zero tolerance policy with regard to illegal drugs. A written drugs policy and Children’s policy would be produced and submitted to both the Metropolitan Police and the Licensing Officer. These policies will be regularly reviewed.

Signs will be displayed at the front door asking patrons to respect nearby residents. Leaflets will be delivered to local residents giving a contact number for use in the case of complaints or an emergency. This information will also be displayed on a notice clearly displayed in the front window of the premises. A record will be kept of the details of any complaints received and the action taken. This will be available for inspection by the Licensing Officer.

All staff would be appropriately trained in under age sales, Challenge 21 and responsible sales. Records of all training would be kept and training periodically reviewed.

CHAIRMAN

Date: 2009