

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE**  
**1 February 2006 (10:30am – 12:00pm)**

**Present:**

**COUNCILLORS:**

**Conservative**

Peter Gardner (Chairman)  
Joseph Webster

**Labour**

Harry Webb

Mr Jonathan Smith (the licence holder's legal advisor) Mr Steve Dennis and Mr Leeland (representing Luminar Leisure, the licence holder), Inspector Andy Conway (Met Police), Sergeant Richard Edwards (Met Police Licensing Officer), Paul Jones (Havering Licensing), Derron Jarell (Legal advisor to the Sub-Committee) and Alison Maybin (Clerk) and one member of the press were present.

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.**

**REVIEW OF A PREMISES LICENCE IN RESPECT OF TIME AND ENVY**  
**108, SOUTH STREET, ROMFORD, RM1 3SS**

The Sub-Committee considered an application for a review of the licence for the above premises as follows.

**DETAILS OF APPLICATION**

Application by Metropolitan Police for a review under section 51 of the Licensing Act 2003 ("the Act") for the premises referred to above.

**APPLICANT**

Commissioner of Police for the Metropolis  
Acting by the Borough Commander  
Havering Borough Police  
Romford Police Station  
19 Main Road  
Romford  
Essex RM1 3BJ

1. **Details of existing licensable activities**

The current hours applied for, subject to the grant of licence, are for the following licensable activities:

**(b) Films**

Monday-Saturday	1100 - 0400
Sunday	1100 - 0200

**(d) Boxing or wrestling entertainment**

Monday-Saturday	1100 - 0400
Sunday	1100 - 0200

**(e) Live Music**

Monday-Saturday	1100 - 0400
Sunday	1100 - 0200

**(g) Performances of Dance**

Monday-Saturday	1100 - 0400
Sunday	1100 - 0200

**(i) Provision of facilities for making music**

Monday-Saturday	1100 - 0400
Sunday	1100 - 0200

**(j) Provision of Facilities for Dancing**

Monday-Saturday	1100 - 0400
Sunday	1100 - 0200

**(l) Light Night Refreshment**

Monday-Saturday	2300 - 0400
Sunday	2300 - 0200

**(m) Supply of Alcohol**

Monday-Saturday	1100 - 0400
Sunday	1100 - 0200

**Non-Standard Timings**

An additional hour to the standard and non-standard times on the day when

British Summertime commences.

New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Until 0400 for the following notable dates:

Bank Holiday Sundays, Burns Night, Valentines Night, Leap Year (29 February), St David's Day, St Patrick's Day, Easter Sunday, St George's Day, Halloween (31 October), St Andrew's Day, Christmas Eve, 27<sup>th</sup> December, 28 December.

In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the police 7 days beforehand and provided the police have not objected to the additional hours within 72 hours of being notified.

In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the supply of alcohol commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the police 7 days beforehand and provided the police have not objected to the additional hours within 72 hours of being notified.

In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the provision of hot food and drinks commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the police 7 days beforehand and provided the police have not objected to the additional hours within 72 hours of being notified.

## **2. Grounds for review**

The grounds for review of the licence are as follows:

Prevention of Crime and Disorder  
Public Safety  
Prevention of Public Nuisance  
Protection of Children from Harm

## **3. Promotion of the Licensing Objectives**

The review was requested in order to promote the licensing objectives as shown above.

## **Details of Representations**

### **Chief Officer of Metropolitan Police (“the Police”) - Yes**

The Metropolitan Police submitted to the Sub-Committee written witness statements from a total of four officers and a written witness statement from a case liaison officer from the Security Industry Authority. Two of the police officers also gave oral evidence to the Sub-Committee. The police statements and evidence gave a detailed account of incidents and problems occurring inside and outside an under eighteen disco event held at the Time and Envy Nightclub on Tuesday 25 October 2005. The statement of the SIA Case Liaison Officer gave details of the licensing requirements for door supervisors and specific information about the status of an individual member of staff working at the venue. The police representative indicated that they had been in discussions with the management of the venue and were not requesting that the licence be revoked but were asking for control measures relating to the under 18 events.

### **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**

In summary, having regard to the following objectives the representations related to the following issues:

### **The prevention of Crime and Disorder**

### **Public Safety**

### **The prevention of Public Nuisance**

### **The protection of Children from Harm**

## **5. Determination of Application**

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.

### Decision

<b>Agreed Facts</b>	
<b>Facts/Issues in dispute</b>	
<b>Issue 1</b>	Whether the licensee has appropriate policies and strategies in place to properly manage an under 18 night. Evidence of poor queue management and search procedures, which would undermine the prevention of crime and disorder objective.
<b>Issue 2</b>	Due to lack of queue management policy, and inadequate security or safety measure, patrons and general public are at risk which would undermine the prevention of public safety objective.
<b>Issue 3</b>	Similarly, given the lack of policies and strategies to address the above mentioned issue creates congestion problems in the town centre and road traffic infringements which in turn leads complaints, in contravention of the prevention of prevention of public nuisance objective.
<b>Issue 4</b>	Because of the lack of written policies on how the licensee would deal with the safety and security issues raised above there is a concern that children are being put at unnecessary risk, in contravention of protection of children from harm objective.
<b>Decision</b>	
<b>Issue 1</b>	<b>Crime and Disorder</b>  The Sub-Committee heard written and oral submissions from the Metropolitan Police concerning events held at the venue for children under 18 years of age on selected Tuesday evenings throughout the year and, in detail, an event held on Tuesday 25 October 2005. The police submission was that there was clear evidence that the licensee did not have any policies or strategies in place to adequately manage large numbers of patrons seeking

	<p>to gain entry to the venue in a relatively short period of time.</p> <p>There was inadequate security staff levels and a lack of female representation on the security staff to deal with the searching of female patrons. The CCTV cameras installed at the premises were inadequate in number and did not cover vital areas.</p> <p>The licensee admitted that the concerns raised by the police submissions were true and that they had no excuse, but that they were willing to work with the police and the Subcommittee to address the problems raised.</p>
<p><b>Issue 2</b></p>	<p><b>Public Safety</b></p> <p>The police submitted detailed witness statements and CCTV footage (CCTV footage not viewed by the Committee) showing crowd crushing, inadequate marshalling and queue management and inadequate safety measures taken. The Committee noted the inadequacy of the CCTV coverage of the areas inside and outside the premises, the inadequate numbers of door staff in comparison with the coverage of adult events, and the inadequate number of female door staff, in recognition that the 'under 18' events attract 50% female club users.</p>
<p><b>Issue 3</b></p>	<p><b>Public Nuisance</b></p> <p>The Sub-Committee received both written and oral evidence from the police concerning the behaviour of large groups of teenagers at the venue, the threatening behaviour of some difficult individuals and the impact of this behaviour upon the surrounding area and public transport. The police evidence emphasised that 2000 children leave the venue at the same time, rather than dispersing more slowly. The Sub-Committee noted the impact that this sudden departure would have on the surrounding area, road traffic and public transport congestion.</p>
<p><b>Issue 4</b></p>	<p><b>Protection of Children from Harm</b></p> <p>The Sub-Committee received both written and oral evidence from the police concerning the venue's location, making it difficult for parents to deliver and collect children, and, in particular the difficulties experienced when children were refused entry to the venue after parents had left them and the evidence that fewer door staff were employed during under 18 events.</p> <p>The Committee noted the police evidence that, as the special needs of children are greater than those of adults, they require more, rather than less, door supervision. They also noted the police evidence of the particular difficulties in searching children, and the need for consideration of the implications of the</p>

	<p>Protection of Children Act 1999 (Sections 3.5 and 3.6).</p> <p>Police evidence emphasised the potentially serious implications of the crowd crushing which occurred on 25 October 2005. The Committee noted that the queuing children had filled the whole pavement and had been pushed into the roadway, and that at one stage the entrance to the premises had been totally blocked with people. The Sub-Committee noted that the management had underestimated the likely popularity of the event on 25 October and the demand there would be for tickets. They also noted the police recommendation that all tickets should be purchased in advance.</p>
<p><b>Response of the Licence Holder</b></p>	<p>A representative of the company operating the venue indicated that they had no wish to question the police evidence and apologised to all concerned. He acknowledged that the company had underestimated the popularity of the 'act' booked on 25 October 2005 and indicated that the company was prepared to accept a condition on the licence preventing the venue from holding events for children under 18 years of age.</p> <p>He made a proposal that the company would work with the police during the following 3 to 4 months to produce a protocol relating to children's events. In addition, management undertook to work with police on improvements to the CCTV system to address the concerns raised.</p>

## **Decision**

The Sub-Committee found that, on the basis of the evidence submitted and of the oral evidence heard, activities had been carried out at the licensed premises that were in breach of the licensing objectives referred to and that these activities were sufficient to justify the imposition of further conditions on the licence.

The Sub-Committee imposed the following additional conditions to the licence, to be implemented three months from the date of this notice:

### **Section 21 Licensing Act 2003 , Mandatory condition: door supervision**

M4

Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises when the premises are open for any licensable activity.

CD1

All staff shall be suitably trained for their job function for the premise. The

training shall be written into a programme, ongoing and under constant review, and must be available to a relevant responsible Authority when called upon.

#### CD4

The Licence Holder shall implement a written Children's Policy.

#### CD6

No persons under 18 shall be admitted to, or allowed to remain on the premises between 1200hrs and 0600hrs.

#### CD13

A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise 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 by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call. The Premises Daily Register will also record all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.

#### CD 14

All Door Supervisors shall enter their full details in the Premises Daily Register at the commencement of work. This shall record their full name, home address and contact telephone number, the Door Supervisor's SIA registration number and the time they commenced and concluded working. If the Door Supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.

#### CD17

The Licence Holder shall implement a written crime prevention policy aimed to reduce crime within the premises. The policy shall be approved in writing by Havering Police and a copy to be supplied to the Licensing Authority.

#### CD39

A CCTV system shall be installed or the existing system maintained. 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'.

#### CD40

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.



CD41

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner 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 tape shall be used on no more than 12 occasions to maintain the quality of the recorded image.

CD42

The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after consultation with and written approval of, Havering Police and the Licensing Authority.

CD47

Premises which have a policy that includes the searching of persons shall have Door Supervisors of both sexes on duty at all times.

### **Performances Especially for Children**

CP7

When performances are specially presented for children an attendant shall be stationed in the area(s) occupied by the children and in the vicinity of each exit provided that, on each level occupied by children, the minimum number of attendants on duty shall be one attendant per 50 children or part thereof and shall be made up of 50% male, 50% female attendants.

CP8

When running licensable activities aimed primarily at children or persons under the age of 18, there shall be a person designated as being responsible for the safety of those under 18. This person(s) shall be clearly identifiable and shall have provided the Designated Premises Supervisor with a Criminal Records Bureau check as being a suitable person to supervise children.

CP9

Discos or similar events specially organised for children shall be managed as ticket only events with no tickets available at the door.

PN27

The Licence Holder shall implement a written queue management policy. All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours. The policy shall be approved in writing by the Licensing Authority and the Metropolitan Police.

PN 28

The Licence Holder 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 or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority and the Metropolitan police.

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Date: Chairman