

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
6 October 2010 (10.30am – 12.20pm)**

Present:**COUNCILLORS:**

Conservative
Residents Group
Labour Group

Peter Gardner (Chairman)
Brian Eagling
Denis Breading

Mr Ross Drogman and Mr Tony McNicholl, the applicants, attended along with Mr David Dadds, their legal representative. The Police were represented by PC Dave Leonard. The LB Havering Licensing Officer, Mr Steve Bromley, the legal advisor and the clerk to the Sub-Committee were also in attendance.

The Chairman advised those present of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

There were no declarations of interest.

PREMISES

Kosho
72-74 South Street
Romford
Essex
RM1 1RX

DETAILS OF APPLICATION

Application to vary a premises licence under the Licensing Act 2003 (“the Act”).

APPLICANT

BRT Bar Services Ltd
Chase Bureau Accountants
1 Royal Terrace
Southend-on-Sea
Essex
SS1 1EA

1. Details of existing licensable activities

Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Facility for Making Music, Facilities for Dancing, Supply of alcohol		
Day	Start	Finish
Monday to Wednesday	10:00hrs	00:00hrs
Thursday to Saturday	10:00hrs	02:00hrs
Sunday	11:00hrs	02:00hrs
Late Night Refreshment:		
Monday to Wednesday	23:00hrs	00:00hrs
Thursday to Saturday	23:00hrs	02:00hrs
Sunday	23:00hrs	02:00hrs

2. Details of requested licensable activities

Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Anything of a similar description to live music, recorded music and performance of dance, Provision of Facilities for Making Music and Dance, and entertainment of a similar description to making music and dancing, Supply of alcohol		
Day	Start	Finish
Monday to Saturday	10:00hrs	02:00hrs
Sunday	11:00hrs	02.00hrs
Late Night Refreshment:		
Monday to Sunday	23:00hrs	02:00hrs

Seasonal variations & non-standard timings:

One additional hour for Christmas Eve and Boxing Day which fall on Sunday to Thursday.

One additional hour on Sunday and Monday of Bank Holiday weekends.

New Years Eve all activities to be permitted throughout the night until the start of permitted hours on New Years Day.

3. Promotion of the Licensing Objectives

The applicant completed the operating schedule, which formed part of the application to promote the four licensing objectives.

The applicant acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises Licences and Club Certificates) Regulations 2005 relating to the advertising of the application. The required public notice was installed in the 25 August 2010 edition of the Havering Yellow Advertiser.

4. Details of Representations

Valid representations may only address the four licensing objectives

There were two valid representations against this application from the Metropolitan Police and Public Health. The representations related to Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Prevention of Children from Harm.

At the hearing, the Police representative made an application to submit additional evidence which was in connection with his earlier representation. Following an objection by the legal representative for the applicant, the Sub-Committee ruled that the additional evidence could not be submitted for consideration as it had not been received within seven working days of the hearing and was not signed or dated as required.

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”): One

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

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None.

Public Health: One

Children & Families Service: None

Trading Standards Service: None

The Magistrates Court: None

5. Determination of Application

Decision

Consequent upon the hearing held on 6 October 2010, the Sub-Committee’s decision regarding the application for a Premises Licence for Kosho 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	
	Whether the granting of the premises licence would undermine the four licensing objectives.
	The written representation by the Police explained that the current licence for the premises sufficiently addressed the Police recommended minimum standards regarding matters such as coverage and quality of CCTV systems, door supervision requirements, daily register/occurrence books, usage of safety glass, queue management and crowd dispersal protocol and a written drugs policy. It was considered the steps provided by the applicant to

	<p>address the four licensing objectives were insufficient for a premises in a town centre location. Indeed, the representation referred to 2 recorded crimes that had recently taken place at the premises to which no trained staff were able to provide evidential copies of CCTV footage to Police. The representation stated that the police had previously worked alongside the applicant in agreeing the license that was in place, and the current application had been made without the police being advised or consulted. The Representation requested that the application be refused as the license in place was more appropriate, and properly addressed the licensing objectives.</p> <p>The written representation submitted by Public Heath raised concerns regarding excessive noise levels emanating from the premises as detailed in the representation. The representation explained that discussions had taken place with the applicant to resolve the noise issue. It was requested via the representation that the request for an extension of hours be refused until the noise issues were resolved to the satisfaction of the Service.</p> <p>The representative for the applicant stated that the applicant had used temporary event notices on Tuesdays till 2:00am and 3:00am over the summer without any problems. He also submitted that the police had provided no evidence of crime or trouble from the premises and therefore the application should be granted. He further submitted that the conditions that the previous license holder had on its license were more appropriate to the premises, and these were the conditions suggested by the applicant in its operating schedule. He referred to the Guidance issued under Section 182 of the Licensing Act 2003. He added that any conditions on a license must be necessary and proportionate, and that standardised conditions should be avoided, and may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.</p> <p>The representative for the applicant also stated that the applicant would surrender its existing license should its application be granted, and that it was not the applicant's intention to hold two licenses for the premises.</p>
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Having considered the written representations and oral responses, the Sub-Committee was **satisfied** that the applicant had addressed all the issues raised.

The Sub-Committee stated that in arriving at this decision, it took into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council's Licensing Policy.

The Sub-Committee **granted** the application in full subject to the following conditions:

1. All staff shall be suitably trained for their job function for the premises. 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.

2. A Premises Daily Register shall be kept at the premises. 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 premises 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 be readily available for inspection by an Authorised Person throughout the trading hours of the premise. 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.
3. 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.
4. Premises which have a policy that includes the searching of persons shall have Door Supervisors of both sexes on duty at all times.
5. All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.
6. No customers carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
7. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. 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.
8. Within 3 months, the installation or upgrading of any CCTV system to 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.

9. 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.
10. 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.
11. 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.
12. Alcoholic and other drinks shall not be removed from the premises in open containers, save for consumption in any external area provided for that purpose.
13. The maximum occupancy of the building (including staff and performers) shall be restricted to 300 persons.
14. Management/staff shall comply with the reasonable requirements of the fire officer as required.
15. Management/staff shall comply with the reasonable requirements of the building control officer as required.
16. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
17. Noise or vibration shall not emanate from the premises which could cause a nuisance to nearby properties.
18. Persons under the age of 18 shall not be permitted on the premises after 22:00.

19. All drinking vessels shall be either toughened glass or made of polycarbonate.

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CHAIRMAN

Date: 2010