

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
11 October 2010 (10.30am – 11.30am)**

Present:

COUNCILLORS:

Conservative	Peter Gardner (Chairman)
Residents	Linda Van Den Hende
Labour	Denis Breading

Mr Mohammed Sarwar and Yasmin Akhtar the applicants. Mr Keith Bush and Dianna Diaz representing Trading Standards services and Havering Police Licensing Officer PC Dave Leonard were present. A ward Councillor, Lynden Thorpe was present. The LB Havering Licensing Officer, Mr Paul Campbell, 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

Squirrels Public House,
420 Brentwood Road,
Romford,
RM2 6DH

DETAILS OF APPLICATION

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

APPLICANT

Mr Mohammed Sarwar
Malik ‘N’ Sons
7 Yewtree Court
Walnut Mews
Sutton, Surrey
SM2 5TL

1. Details of existing licensable activities

There is no current licence at the premises.

2. Details of requested licensable activities

Recorded Music, Supply of Alcohol		
Day	Start	Finish
Monday to Sunday	12:00hrs	16:00hrs
Monday to Sunday	17:00hrs	23:00hrs

Seasonal variations & non-standard timings:

Seasonal variations

The seasonal variations section of the application requests for the supply of alcohol on New Years Eve to be from 18.00hrs to 013.00hrs on New Years Day.

Non-standard timings

There are no non-standard timings applied for in this application

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 premises licence regulations 25 and 26 relating to the advertising of the application. The Licensing Officer inspected the notices on the premises and found them to be in place the required newspaper advertisement was installed in the Romford Recorder on Friday 3 September 2010. Neither the newspaper advertisement nor the notice on the premises mentioned the application for recorded music.

4. Details of Representations

Valid representations may only address the following four licensing objectives:

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

There were eleven valid representations against this application from interested parties, these representations relate to six properties and two ward councillors.

Interested parties' representations

The representations from interested parties covered all of the licensing objectives and most stress that the premises was in a residential area.

Responsible Authorities' representations

Both representations stated that the application needed further clarification.

Responsible Authorities

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

The Police Licensing Officer stated in his address that the service contention was that the applicant had not satisfactorily addressed the steps they intend to take to promote the four licensing objectives.

He stated that the application did not contain sufficient details of checks and safeguards for the police to have confidence that the licensing objectives would be upheld. The sub committee was informed that recent business interest in the venue had leaned towards the premises becoming a food based venue and the Police were prepared to support a reasonable application that applied to an eating establishment that makes it clear that the premises was to operate as a restaurant.

The police representation suggested that unless the sale of alcohol was to be ancillary to the taking of a table meal, the premises could effectively revert back to being a bar, which had caused problems in the past (albeit under different management). The potential extent of the premises becoming a bar would have a dramatic effect on the applicant's ability to address and adequately respond to the four licensing objectives in what is a residential area.

The Police suggested a number of conditions, some of which would be unnecessary if the applicant sought only for the premises to be a restaurant. As the application stood, it was unclear if that was the case.

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:

The Acting Divisional Manager addressed the sub committee stating that the service had brought the premises to two previous reviews, both relating to underage sales. He stated that the premises made a total of 4 underage sales and passed none since December 2007. The outcome of the reviews was a revocation of the premises licence.

It was recognised that the current applicant appear to have no relationship with the previous owners but the service was of the view that the current application had not satisfactorily addressed the issue of Protect of Children from harm, particularly in light of the venues recent history.

Further concerns raised by the service included that there was no reference in the application of the training of staff, how many if any would be personal licence holders, no reference to the use of any age verification schemes such as Challenge 21, Challenge 25 or the maintenance and use of refusal logs. There was no reference to whether there would be a time at the venue when children would be expected to leave as the premises did intend to operate as a restaurant/bar. The service would also discourage alcohol being supplied by home delivery as the application made no reference as to the training of its

delivery crew and what steps will be taken to verify the age of those to whom it was delivering the alcohol.

The Acting Divisional Manager therefore was requesting the sub committee to impose sufficient conditions on the licence to ensure that this licensing objective was met.

The Magistrates Court: None

5. Determination of Application

Decision

Consequent upon the hearing held on 11 October 2010, the Sub-Committee's decision regarding the application for a Premises Licence at Squirrels Public House 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.
	An interested party who addressed the sub committee stated that in her role as one of the ward councillors for the area, she had been made aware that there were concerns arising from the application. She believed that the application did not sufficiently address the four licensing objectives. The representation asked that the CCTV system met Police standards, and referred to the relevant pool of conditions regarding CCTV. Other concerns raised related to the decking area and the extended licence requested on New Years' Eve. The sub committee was informed that local people would not be adverse to a well run restaurant, but the additional bar for non diners, and the takeaway and home delivery of alcohol raised concern.

	<p>Miss Akhtar, proposed DPS for the premises addressed the sub committee on behalf of the applicant stating that she had been in the licensed trade since 1992 and was a personal licence holder and that her partner, the applicant Mr Sarwar, had been in the business for over 25 years. They stressed that they had only a business relationship with the previous business owners and sought only to rent the premises from him. They had yet to sign the lease for the premises as it was dependent upon the grating of the application. Miss Akhtar noted the basis of the representations to their application from interested parties and responsible authorities and stated that the applicant had decided to modify their application to a restaurant licence only. She stated that they had no intention to operate the premises as a public house and were content to serve alcohol ancillary to food. It was also clarified to the sub committee that the premises only required background music. In relation to CCTV, Miss Akhtar stated that they were willing to work with the Police in order to meet Home Office required standard. The premises would not offer any alcohol as part of the takeaway and delivery trade.</p> <p>Miss Akhtar also stated that all staff shall be suitably trained for their job function for the premises and training records would be available for inspection.</p>
--	---

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 as follows subject to the conditions listed below:

Recorded Music, Supply of Alcohol		
Day	Start	Finish
Monday to Sunday	12:00hrs	16:00hrs
Monday to Sunday	17:00hrs	23:00hrs

Seasonal variations:

The supply of alcohol on New Years Eve from 18.00hrs to 01.00hrs on New Years Day.

1. 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.

2. PS22 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
3. PS23 At least one trained first-aider shall be on duty when the public are present.
4. PS24 Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.
5. CD15 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.
6. 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.
7. 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.
8. 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.
9. 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.

- 10.A Refusal Book shall be kept at the premises. This register will be maintained and made available for inspection by an Authorised Person throughout the trading hours of the premise.
11. That the sale of alcohol will be ancillary to the taking of a table meal at the premises.
12. That no form of alcohol delivery will be included in the takeaway and delivery trade at the premises.
13. That the premises shall adopt a Challenge 21 policy. This means that the premises would challenge anybody who attempts to buy an alcoholic drink who appears to be under the age of 21 and will not sell to such a person unless they can prove they are over 18 by a passport or photographic driving licence.

The sub committee informed the applicant that the outside decking area was covered by the licence but the applicant was reminded that the planning issues must be resolved before it was allowed to be used.

.....

CHAIRMAN

Date: 2010