

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
19 March 2007 (10.30am – 10.45am)**

**Present:**

**COUNCILLORS:**

**Conservative**

Edward Cahill (Chairman)  
Peter Gardner

**Residents**

Linda Van Den Hende

This application was submitted by Inspector Andy Conway from Metropolitan Police and Simon Harman were present. Mr & Mrs J Cheung, the owner of the premises was present. Robert Sutherland and Richard Greene from J G Russell Solicitors, the legal representative on behalf of the premises owner were present. Also present was the LB Havering Licensing Officer. The legal advisor to the Panel and the clerk to the Panel 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.

**APPLICATION FOR A REVIEW OF PREMISES LICENCE IN RESPECT OF  
THE MANDARIN PALACE, 197-201 HIGH STREET, HORNCHURCH, RM11  
3XT**

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

**1. DETAILS OF APPLICATION**

**APPLICANT**

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

This application is made by the Metropolitan Police Service and is for a review of the Premises License under Section 51 of the Licensing Act 2003.

## **Details of existing licensable activities**

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

### **Supply of Alcohol**

Monday - Thursday	10:00 – 00:30
Friday - Saturday	10:00 – 01:00
Sunday	10:00 – 00:30

### **Regulated Entertainment (Films, live music, recorded music)**

Monday-Sunday	10:00 – 00:00
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### **Anything of a similar description to that falling within the previous two categories**

Monday-Sunday	10:00 – 00:00
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### **Provision of Entertainment Facilities (dancing)**

Monday- Sunday	10:00 – 00:00
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### **Light Night Refreshment**

Monday- Thursday	23:00 – 01:00
Friday – Saturday	23:00 – 01:30
Sunday	23:00 - 01:00

### **Opening Hours**

Monday- Thursday	10:00 – 00:30
Friday – Saturday	10:00 – 01:00
Sunday	10:00 - 00:30

## **2. Grounds for review**

The grounds for review of the licence are as follows:

Prevention of Crime and Disorder  
Public Safety

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

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

### 4. **Details of Representations**

#### Representations Objecting to the Application from “Interested Parties”

None.

#### Responsible Authorities

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

Inspector Andy Conway of the Metropolitan Police Service had applied on behalf of the Metropolitan Police Service as a Responsible Authority for a Review of the Premises Licence. Inspector Conway is the Licensing Inspector for Havering Borough Police.

This request for a Review followed after various visits by the police to the premises and incidents at the venue. The venue had changed considerably since the Premises License was first granted. Police have raised issues regarding the Premises Daily Register, the CCTV installation, maintenance and operation, ongoing problems with Door Supervisors, risk assessment regarding capacity levels and the lack of written drugs policy.

Inspector Conway provided full details in his request for a review together with supporting evidence relating to the CCTV from PC Nolan of Havering Crime Prevention Office.

The Police have asked the Sub-committee to impose relevant additional conditions on the premises license.

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

**Health & Safety Enforcing Authority:** None.

**Planning Control & Enforcement:** None.

**Public Health:** None

**Children & Families Service:**

**Trading Standards Service:** None

**The Magistrates Court:** None

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

## The prevention of Crime and Disorder Public Safety

### 4. Determination of Application

**Consequent upon the hearing held on 19 March 2007, the Sub-Committee's decision regarding the review of a premises license for the Mandarin Palace 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.

### Decision

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Decision	
<b>Issue 1</b>	<b>Prevention of Crime &amp; Disorder</b>  The Police had visited the premises on eight occasions and discovered: <ul style="list-style-type: none"><li>a) Use of drugs at the premises following inspections carried out and GIS drugs dogs. Despite these finding, the management of the V bar had not implemented a written drugs policy. The doormen did not carry out search as a condition of entry in aid to prevent or reduce the use of drugs.</li><li>b) The door supervisors failed to display their SIA badges. Despite giving advice to the owner of the premises, it failed to implement a door supervisor register. On one occasion, a door supervisor disappeared on the arrival of the police, this has raised many concerns for the police regarding the premises and management.</li><li>c) Further inspection of the premises also revealed that the CCTV</li></ul>

	was not fit for purpose and could not be operated by anyone at the premises.
<b>Issue 2</b>	<p><b>Public Safety</b></p> <p>During one of the visits, the Police officers observed that the V bar was extremely cramped to an extent that customers were having difficulty in getting bottles to their lips to consume their drinks. It was also far too cramped for any dancing to take place. The management of the premises had failed to deal with this situation. This however, raised serious concerns about public safety over the number of customers being allowed in the bar compared to the capacity.</p>
<b>Response of the Licence Holder</b>	<p>The representative for the licensee addressed the Sub Committee and stated that there has been an agreement between the Police and the licensee regarding the issues raised.</p> <p>The licensee have accepted to implement all the conditions imposed by the Police. The representative presented additional written material outlining the conditions that were agreed.</p>

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 above.

It was noted that discussion had taken place between the police and the licensee and that there was agreement between both parties over new conditions to modify the existing licence. The Sub-Committee made change to one of the conditions outlined, CD43:

CD43 The License holder shall implement a written drugs policy no later than 31 May 2007. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police and the Licensing Authority.

It was agreed that the license should be modified, under section 52, sub-section 4a, of the Licensing Act 2003 and that the following additional conditions should be imposed:

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.

- CD5 Where the sale of alcohol is a licensed activity no persons under 18 shall be admitted to, or allowed to remain on the premises between 21:00hrs and 06:00hrs, unless specifically covered in the Children's Policy. The policy shall be approved in writing by Havering Police.
- CD12 All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage, and shall be aware of how to seek identification from anyone who appears to be underage.
- 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 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.

- CD14 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.
- CD15 The premises shall be cleared of customers and closed 30 minutes after the conclusion of the last licensed activity.
- CD16 The Licence Holder or Designated Premises Supervisor shall become a member of the Safe & Sound Pubwatch scheme and a representative shall attend Safe & Sound/ Pubwatch meetings.
- CD31 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 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence.

- CD38 At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Havering Police guidelines for Standard Minimum Closed Circuit Television Requirements.
- 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.
- CD43 This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police and the Licensing Authority.
- CD45 All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.
- CD48 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'.

In accordance with Romford Town Centre 'Safe and Sound' charter, Police would wish to see all Door Supervisors working outside the premises wear 'High Visibility Clothing' at all times during that deployment.

CD54 The Licence Holder shall sign up to the Safe and Sound approved charter.

PS22 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

PS23 At least one trained first aider shall be on duty when the public are present.

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.

PN28 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.

CD25 No persons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

The following condition shall apply to those parts of the premises where alcohol is not sold as ancillary to a table meal.

CD24 Drinks shall be served in containers made from toughened glass (tempered glassware). This specifically applies to the V Bar area of the premises.

In addition, it was agreed between the licensee and the applicant that there will be a personal license holder at the premises on Friday and Saturday from 8.00pm until close time.

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**CHAIRMAN**

**Date: ..... 2007**