

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
22 January 2007 (10.30am – 11.00am)**

Present:

COUNCILLORS:

**Conservative
Residents Group
Labour Group**

Eddie Cahill (Chair)
Linda Van den Hende
Tom Binding

Mr Robert Bartrum (applicant), PC Dave Leonard (Metropolitan Police), Paul Jones (Licensing Officer) Kirsty Ridling (Legal advisor to the Sub-Committee) and Wendy Gough (Clerk) were present. There was also one member of the press 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.

**APPLICATION FOR PREMISES LICENCE IN RESPECT OF DESTINY SX,
UNIT D8, STAR BUSINESS CENTRE, FAIRVIEW INDUSTRIAL PARK,
MARSH WAY, RAINHAM, ESSEX, RM13 8UP**

DETAILS OF APPLICATION

PREMISES

Destiny SX
Unit D8, Star Business Centre
Fairview Industrial Park
Marsh Way
Rainham
RM13 8UP

DETAILS OF APPLICATION

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

APPLICANT

Mr Robert Bartrum
Destiny SX
Unit D8, Star Business Centre
Fairview Industrial Park
Marsh Way
Rainham
RM13 8UP

1. Details of existing licensable activities

The applicant currently does not have a converted Premises Licence for the property at Unit S8, Star Business Centre and therefore does not have authorisation to sell by retail at the premises, intoxicating liquor.

2. Details of requested licensable activities

An application had been made for the provision of licensable activities as set out below:

Licensable Activities:

Live music, recorded music, provision of facilities for dancing, supply of alcohol

Day	Start	Finish
Monday	10:00hrs 20:00hrs	16:00hrs 01:00hrs
Tuesday	10:00hrs 20:00hrs	16:00hrs 01:00hrs
Wednesday	10:00hrs 20:00hrs	16:00hrs 01:00hrs
Thursday	10:00hrs 20:00hrs	16:00hrs 01:00hrs
Friday	10:00hrs 21:00hrs	16:00hrs 06:00hrs
Saturday	10:00hrs 21:00hrs	16:00hrs 06:00hrs
Sunday	10:00hrs 18:00hrs	16:00hrs 01:00hrs

Late night refreshments

Day	Start	Finish
Monday	23:00hrs	01:00hrs
Tuesday	23:00hrs	01:00hrs
Wednesday	23:00hrs	01:00hrs
Thursday	23:00hrs	01:00hrs
Friday	23:00hrs	05:00hrs
Saturday	23:00hrs	05:00hrs
Sunday	23:00hrs	01:00hrs

3. Promotion of the Licensing Objectives

The applicant had completed the operating schedule, which formed part of his application, that he would take the steps set to promote the four licensing objectives:

4. **Details of Representations**

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”): Withdrawn

The police representation was withdrawn at the licensing hearing on the strict understanding that all the observations and recommendations have been addressed and are included as conditions into the operating schedule, as indicated to the applicant.

London Fire & Emergency Planning Authority (“LFEPA”): Withdrawn

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None.

Public Health: None

Children & Families Service:

Trading Standards Service: None

The Magistrates Court: None

5. **Determination of Application**

Following the withdrawal of the Police representation at the meeting, this hearing did not go ahead.

6. **Conditions**

MANDATORY CONDITIONS

It is a requirement of the 2003 Act that certain mandatory conditions must be included on Premises Licences where the licence authorises the sale of alcohol, or where there is a condition requiring the use of security staff.

Section 19 Licensing Act 2003, Mandatory conditions: where the licence authorises the sale of alcohol

- M1 No supply of alcohol may be made under the Premises Licence;
- (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
 - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

M2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

Other conditions agreed with the Metropolitan Police were:

General relating the Crime and Disorder

Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions.

- 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.
- CD2 All Personal Licence Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification.
- CD3 Structured training shall be delivered to all staff covering the need to be aware of the signs and consequences of drinks spiking. There shall be a training package in place for all staff and this shall include a policy for dealing with both the victim and the offender. This policy shall be approved in writing by Havering Police and shall be reviewed annually by the Licence Holder.
- CD11 Bottle bins shall be provided at the exit doors and staff shall prevent bottles and glasses being taken from the premises.
- 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.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs could be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration will be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) to prevent these containers being used as offensive weapons after individuals have left the premises. Such a measure may also be relevant to promote public safety.

CD25 No person 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.

Drinks promotions

Conditions to control the price of alcoholic drinks will not be imposed except in exceptional circumstances to address irresponsible drinks promotions at particular premises where it can be shown that there is causal link between such promotions and crime and disorder in the vicinity of the premises. Premises when operating drinks promotions on particular days of the week or at particular times of the trading day shall include in the Operating Schedule written details of the extra measures in place to comply with each of the four licensing objectives whilst running the drinks promotion.

CD36 When operating drinks promotions on any day of the week a written policy shall be produced. The policy shall detail the extra measures in place to deal with departing patrons both throughout and at the end of the promotion. It shall include the policy for refusing to serve persons who are drunk. The policy shall be agreed in writing by Havering Police.

CD37 Alcoholic drinks shall not be supplied in such a way which will enable persons to consume unlimited quantities of alcoholic drinks on payment of a single payment.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at the immediately outside licensed premises. Havering Police will provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

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 (Issue 1, July 2004).

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.

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.

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.

Misuse of Drugs

London Borough of Havering is committed to addressing the problem of the misuse of drugs at music and dance venues and supports the "Safer Clubbing" strategy which can be viewed at <http://www.drugs.gov.uk>.

The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

CD43 The Licence Holder shall implement a written Drugs Policy. 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.

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.

CD46 When providing regulated entertainment there shall be, at all times that the entertainment is taking place, a qualified first aid person, who holds

a valid first aid qualification, on the premises and easily identifiable. There shall be an adequate and appropriate supply of first aid equipment readily available at the premises.

General relating to Public Safety

Advice should be sought from the relevant Responsible Authorities prior to application. The Responsible Authority may wish conditions from the pool of conditions to be applied to a licence issued to a premise or that the wording may be varied from that published in the general pool of conditions to fit the individual requirements of that premise.

Applicants may wish to include conditions in their Operating Schedule to satisfy each of the four licensing objectives. Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions. Special issues may arise in connection with outdoor and large-scale events.

Those who prepare Operating Schedules are advised that account will be taken of published standards and guidance relating to safety at public events and venues.

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests and where relevant matters have been identified in Operating Schedules, or as a result of representations being made, consideration will also be given to applying conditions.

Disabled people

PS1 The Designated Premises Supervisor/Duty Manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that the disabled persons are made aware of these arrangements.

Note: Licensees are advised to obtain details of and seek to address any special needs when approached by organisers of parties of disabled people.

Escape routes

PS2 All exit doors shall be available and easily openable without the use of a key, card, code or similar means.

Note: Doors that are not in regular use should be opened in order to ensure they function satisfactorily before the admission of the public on every occasion.

PS3 Any removable security fastenings shall be removed from the doors prior to opening the premises to the public.

- PS4 Exit doors shall be secured in the fully open position when the public are present.
- PS5 All fire doors shall be self-closing and shall not be held open other than by devices approved by the Fire Officer.
- PS6 Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- PS7 The edges of the treads of steps and stairways shall be conspicuously displayed.

Fire Log-book

- PS8 A Fire Log-book shall be kept at the premise. This Fire Log-book will be maintained and kept for a minimum of 12 months. Full details of the following shall be recorded in the Fire Log-book where appropriate:
- a) staff training and refresher training in respect of fire precautions and fire evacuation training
 - b) details of safety checks
 - c) details of fire alarm test
 - d) details of fire drills
 - d) details of testing of smoke ventilators
 - e) details of the maintenance and inspection of all fire-fighting equipment and the fire alarm warning system
 - f) the name and position of the person making the entry

Safety checks

- PS9 All necessary safety checks have been carried out before the admission of the public. Details of the checks shall be entered in the Fire log-book; this may be by use of a separate check list.

Note: A specimen check list is provided in Appendix.

Curtains, hangings, decorations and upholstery

- PS10 Hangings, curtains, and temporary decorations shall be maintained flame-retarded.
- PS11 Any scenery shall be maintained flame-retarded.
- PS12 Temporary decorations shall not be provided except with consent from the Licensing Authority. When seeking consent for temporary decorations the Licensing Authority shall be advise of the period for which it is desired to retain them.

PS13 Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

Fire action notices

PS17 Notices detailing the actions to be taken by staff in the event of fire or other emergencies, including how the fire service can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.

Outbreaks of fire

PS18 The fire service shall be called at once to any outbreak or suspected outbreak of fire, however slight, and the details recorded in the Fire Log-book.

First aid

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.

PS24 Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.

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.

Chairman

Date: