

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE**  
**4 September 2007 (11:30am – 1.45pm)**

**Present:**

**COUNCILLORS:**

**Conservative**

Melvin Wallace (Chairman)  
Peter Gardner

**Labour**

Tom Binding

Mr R Westwood - Payne (the licence holder's legal advisor), Mr C Dyke (Area Manager Orchid Inns), Ms H Audsley (Licensing Manager Orchid Group), Mr P Jones (Licensing Officer), Mr W Adams (Trading Standards), Inspector A Conway (Metropolitan Police), and two other officers of the Metropolitan Police, Mr Y Nwaigwe (Legal Advisor to the Sub-Committee), and Mr R Cursons (Clerk to the Sub-Committee) were present. Members of the press were also in attendance.

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 THE SPENCERS ARMS, 124 ARDLEIGH GREEN ROAD, HORNCHURCH, RM11 2SH**

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

**DETAILS OF APPLICATION**

Application by Trading Standards of London Borough of Havering for a review under section 51 of the Licensing Act 2003 ("the Act") for the premises referred to above.

**APPLICANT**

London Borough of Havering  
Trading Standards Service  
Langtons Cottage  
Billet Lane  
Hornchurch  
Essex  
RM11 1XJ

**1. Details of existing licensable activities**

The current licence permitted the following licensable activities:

**(a) Recorded Music**

|                 |             |
|-----------------|-------------|
| Monday-Saturday | 10.00-23.00 |
| Sunday          | 12.00-22.30 |

**(b) Sale of Alcohol**

|                 |             |
|-----------------|-------------|
| Monday-Saturday | 10.00-23.00 |
| Sunday          | 12.00-22.30 |

**2. Grounds for Review**

The grounds for review of the licence were as follows:

Prevention of Crime and Disorder  
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.

**4. Details of Representations**

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

The Metropolitan Police submitted to the Sub-Committee written witness statements. These statements detailed a history of underage sales and criminal events that had taken place at the premises from July 2006 onwards.

**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 Trading Standards Service of The London Borough of Havering submitted to the Sub-Committee a statement detailing how The Spencers Arms had been found to persistently sell alcohol to underage volunteers during a recent

test purchase exercise and had failed in its duty to protect children from harm.

## **The Magistrates Court None**

### **5. Determination of Application**

At the start of the hearing counsel for the licensee made oral submissions to be allowed to cross-examine the scheduled Police and Trading Standards witnesses.

The Counsel for the licensee explained that there had been little contact between Trading Standards, The Police and Orchid Inns. It was pointed out that the Designated Premises Supervisor(DPS) at the time of the test purchases had now been suspended by Orchid Inns and a new DPS was in post. The previous DPS had not contacted her employers following the test purchases and as such Orchid Inns was unaware that they had taken place until the third test purchase.

The Counsel for the licensee advised the Sub-Committee that Orchid Inns deeply regretted that the underage sales had taken place and had taken steps to ensure there was no repeat in the future.

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**

### **Agreed Facts**

#### **Facts/Issues in dispute**

##### **Issue 1**

Whether the continued operation of the licensed premises would undermine the prevention of crime and disorder objective.

##### **Issue 2**

Whether the continued operation of the licensed premises would undermine the protection of children from harm objective

## **Decision**

## **Issue 1**

### **Crime and Disorder**

The Committee heard written and oral submissions from the Metropolitan Police concerning a number of crime and disorder incidents at the venue. The Sub-Committee felt that the measures outlined by Orchid Inns were not sufficient to improve the situation. The Sub-Committee were of the view that there had been a history of poor management by Orchid Inns and there needed to be more communication between the company and its employees.

## **Issue 2**

### **Protection of Children from Harm**

The Sub-Committee received both written and oral evidence from Trading Standards concerning the apparent sale of alcohol at the venue to minors.

The Sub-Committee was advised that three separate "failed" test purchases had taken place on 10 May 2007, 23 June 2007 and 7 July 2007.

The Sub-Committee then received oral evidence as to a number of business improvements that had been put in place. These included Point of Sale software on the tills that ensured every customer was asked their age if they appeared to be under the age of 21. All new staff members received training on the subject of under age sales and a log of all persons challenged was now kept on the premises.

The Sub-Committee felt that the underage sales were as a result of poor management of the premises and were not convinced that the measures proposed by the owners would be sufficient to resolve the problem of underage sales at the premises.

**In View of the history of underage sales evidenced by 3 failed test purchases on 10 May 2007, 23 June 2007, and 7 July 2007 and the poor management in relation to crime and disorder at the premises the Sub-Committee revoked the licence pursuant to section 52 sub section 4E of the Licensing Act 2003.**

**In arriving at the decision the Sub-Committee had regard of the provision of the Licensing Act 2003 the code of guidance issued by DCMS pursuant to section 182 of the Licensing Act 2003 and as well as the representations made by all parties to this matter.**

---

Chairman