

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
27 March 2012 (10.30 - 11.45 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman)

Residents' Group Brian Eagling and Linda Van den Hende

Present Mr Glen Lake, Solicitor (on behalf of the Premises Licensees), Mr Peter Popat and P Jones (Premises Licensees), P C David Fern (representing the Metropolitan Police), David Hallam and Philip Ropman (representing London Fire Brigade) and a member of the press.

Also present were Paul Campbell (Havering Licensing Officer), the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interest was declared at this meeting.

**1 APPLICATION FOR A REVIEW OF A PREMISES LICENCE RE CLUB
 CIROC, 64-64A SOUTH STREET, ROMFORD.**

PREMISES

Club Ciroc,
64-64A South Street,
Romford,
Essex, RM1 1RB

DETAILS OF APPLICATION

Application for a review of the premises licence by the Metropolitan Police under section 51 of the Licensing Act 2003 ("the Act").

APPLICANT

PC 118 KD David Fern,
On behalf of the Metropolitan Police,
Romford Police Station,
19 Main Road,
Romford,
Essex. RM1 3BJ

1. Details of existing licensable activities

Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Provision of facilities for the making music, Provision of facilities for dancing and Supply of Alcohol.		
Day	From	To
Sunday to Thursday	10.00 hours	02.00 hours
Friday & Saturday	10.00 hours	03.00 hours

Late Night Refreshment		
Day	From	To
Sunday to Thursday	23.00 hours	02.00 hours
Friday & Saturday	23.00 hours	03.00 hours

2. Grounds for Review

The Metropolitan Police were concerned that the premises were not adhering to the conditions of the licence and were failing to operate in accordance with the licence.

There had been several breaches despite previous warnings from the police.

There had been a serious breach of health and safety recently, which had been investigated by the fire service.

The police believed that public safety was at risk.

3. Promotion of the Licensing Objectives

The review had been requested in order to promote the licensing objectives as shown below

- **The prevention of crime and disorder**
- **Public Safety**
- **The prevention of public nuisance.**

4. Details of Representations

Chief Officer of the Metropolitan Police – (a responsible authority under the Licensing Act 2003) – The representation stated that:

On 13 January 2012 the Designated Premises Supervisor (DPS), Mr Aydemir Yatzman, applied for several temporary event notices (TENS), to extend the opening hours from 03.00 to 04.00 and 04.30. The Police Licensing Officer checked the crime statistics for the premises and these

raised concerns. Over the last six months of operating there had been several reports of Actual Bodily Harm (ABH), Grievous Bodily Harm (GBH), assault involving violence, along with disturbances. The Police then carried out further research which raised concerns further. The violence associated with the premises included a victim with a fractured skull who needed a metal plate around his eye socket.

In the light of these concerns the Police raised objection to the TENS fearing that this would create and lead to further offences and would therefore not promote the objective 'To prevent Crime & Disorder.'

The Police had received information that the entire door team had walked out of the premises on the night of 27 December 2011 following an altercation with the DPS. This again raised questions regarding the management of the premises and the failure to promote the licensing objectives of Public Safety and prevention of Crime and Disorder. At the end of the evening the CCTV tapes were reviewed, these showed 3 police officers outside the venue preventing 2 fights occurring, and no venue staff were visible. Clearly the dispersal policy was not being adhered to.

The Police visited the premises on 20 January 2012 and met the owner Mr Poppat and the DPS. At this meeting the Police's concerns regarding the crime figures and the way the premises were run were explained. Following the meeting the Police representative conducted an inspection of the premises. He asked to see the premises daily register and was presented with a diary, which contained very little apart from names, not all of which were legible, and numbers which he was advised were of SIA staff. He advised the owners of the requirements of condition CD6 contained within Annex 3 to their licence which required a register, and sets out what ought to be included therein. The Police also outlined numerous other breaches of the conditions of the licence.

The inspection also revealed that the CCTV was faulty and the DPS had to ring for an engineer. This was another failure to comply with the licence. Mr Poppat and the DPS were advised of the Police's concern at the way the premises were being operated.

There had been two incidents involving fights within the smoking area, one of which had featured on YouTube. The Metropolitan Police were of the opinion that the area was too large and was not being managed properly by the door team. The DPS was informed that this area needed to be reduced and controlled by a door supervisor at all times.

The club had a capacity of 930 including staff. With these numbers the Police would have liked to see a female member of the door team to ensure adequate searches were carried out. The DPS had accepted that this should be in place.

The downstairs toilets were not in use and the Police were concerned that when only the front section of the club was open patrons had to walk

through the rear section of the club to use the toilets on the first floor. The rear area was not adequately supervised on these quieter nights and the Police felt that drug use could take place easily. There was also the potential for fights and disorder. On these nights there were less SIA staff employed, technically covering the same area.

The management of the club advised the Police that they would rectify the measures discussed. The Police returned later that evening and served a Closure Notice under section 19 of the Criminal Justice and Police Act 2001. This notice listed 10 items which needed to be addressed and gave the owners 7 days to comply.

The Police returned to the premises on the 27th January 2012 and it was evident that the owners had taken some steps to address the issues raised. The Police therefore issued a counter notice to the closure notice and an action plan to rectify the conditions still not being complied with.

During the visit the Police noticed a large amount of building work taking place in the rear of the premises. There were raised areas, steps down to a dance floor area and the middle bar section had been removed. The police felt this was dangerous practice considering the front bar was open and the toilets were upstairs through the man club. No application had been received to vary the premises. The police considered the premises not to be safe and certainly not ready for a launch party the following evening. The concerns at this stage were for Public Safety.

The Police contacted the Fire Brigade to arrange an inspection.

The officer later spoke to Mr Poppat that evening advised him that there had been no variation to the premises licence and if he conducted licensable activities he would be in breach of his conditions/licence. Following that conversation the premises remained closed on the 28th January 2012.

London Fire & Emergency Planning Authority (“LFEPA”) –

The written representation set out a number of issues that were of concern to the LFEPA.

At the hearing, Officer Hallam went through all those issues, and advised that all had now been brought to the satisfaction of the LFEPA, other than that they were awaiting completion certificates for the fire alarm system.

Health & Safety Enforcing Authority - None

Planning Control & Enforcement – None

Children and Family Services– None

The Magistrates Court – None

Representation from Interested Party – None

Reply for the Premises Licensee

Mr Lake, the owner advised the Sub-Committee that he was happy to accept the new conditions proposed by the Metropolitan Police. As indicated by the Fire Brigade almost all the issues raised had been dealt with except for two matters outside his control which he expected to be resolved shortly.

Mr Lake advised that as a result of the review procedure, the entire management at the premises had been brought to a high level.

Mr Poppat informed the meeting that the works being undertaken were part of an extensive refurbishment programme being undertaken by the owners. When the current works were completed there would be a new dance area. They had applied for planning permission for a new restaurant/bar, Bar 64 and when permission was received further works would be undertaken. They intended to continue trading during the works but would ensure that the issues raised by the police and fire brigade were covered during this period. Minor variations to cover the changes to internal layout were being submitted to the licensing office to regulate the position.

5. Determination of Application

Consequent upon the hearing held on 27 March 2012, the Sub-Committee's decision regarding the review of a premises license for Club Ciroc, 64-64A South Street, Romford 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 of the First Protocol of the Human Rights Act 1998.

Decision

The Sub-Committee noted that the owners had responded positively to the matters raised by both the Metropolitan Police and London Fire Brigade. The Metropolitan Police had requested that the following additional/replacement conditions be imposed on the licence. These had been accepted by the owners.

- **Entry:**
 - A minimum of one SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business. On busier nights when capacity is over 200 a minimum of two should be employed on the door. (This will ensure both the queue and the smoking area are controlled.)
 - The operator will risk assess and employ additional SIA staff to manage the venue inside; this will be determined by the DPS.
 - All staff engaged outside the entrance to the premises or supervising /controlling queues shall wear high visibility yellow jackets.
 - The premises licence holder shall ensure that the queue to enter the premises is orderly and supervised to ensure there is no public nuisance or obstruction to the public highway.
 - No patrons shall be admitted or re-admitted to the premises one hour before licensable activity ends, except smokers held in the smoking pen.
 - Patrons permitted to temporarily leave and re-enter the premises to smoke shall be limited to 35 persons at one time.
 - Patrons permitted to temporarily leave and re-enter shall not be permitted to take drinks with them.
 - The designated queue and smoking area shall be enclosed within the appropriate barriers to ensure that the footway by the entrance and exit is kept clear.
 - Persons entering and re-entering shall be subject to a search by a SIA trained member of staff this will be monitored by a CCTV camera which is capable of taking an image of evidential standard.
 - A female door staff member will be on duty at times the premises are open to the public on Thursday, Friday and Saturday evenings from 2100 hours until the close of licensable activity, consideration shall be taken to employ a female door staff member at all times.
- **CCTV:**
 - Shall comply with current conditions and add:
 - A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises always when the premises are open to the public. This staff member must be able to show police or an authorised officer recent data or footage without delay.
 - CD18 shall be amended to read 31 days and not 21 days.
- **Bottle and glass conditions:**
 - CD10 – remove and replace with:

- Polycarbonate or plastic drinking vessels shall be used at all times throughout the premises.
- All bottles must be decanted into non glassware, except for champagne bottles or whereby a patron buys a bottle of spirits over 70cl which is sold for consumption ON the premises only.
- Frequent collection of bottles will be made through out the venue to eliminate risk.

- **Exit Doors.**

- All external fire exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been open.

- **Dispersal.**

- Immediately following the cessation of the sale of alcohol the playing of music is wound down with lower tempo music and decreased volume, the lights will be gradually increased.

- An announcement will be made asking patrons to leave.

- Door staff will ensure no patrons leave with any drinking vessels or bottle.

- Door staff and management will ensure that patrons do not cause any disturbance or nuisance within the vicinity of the premises. If a disturbance does occur then patrons will be asked to move on and disperse.

- **Events.**

- Assessment Form 696 or equivalent.
- An event will be deemed to be: any occasion in a licensed premises, or other venue under a Temporary Event Notice, where there will be a live performer/s – meaning musicians, DJs, MCs or other artiste; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.
- CD42 The licensee shall undertake a risk assessment of any promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy* to the Metropolitan Police Service and the police licensing officer not less than 14 days before the event is due to take place.
- CD43 Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this* to the Metropolitan Police and the Police Licensing Authority, within 3 days of the conclusion of the event.
- *submission of electronic documents by e-mail is preferred.

The only outstanding item related to the approval of the CCTV system which had been delayed as the Police Officer who deals with this had been on leave. The Metropolitan Police indicated that they would be carrying out a full inspection

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The Fire Brigade had confirmed that on a further visit on 22nd March all the matters raised had been satisfactorily resolved. All that was required was a completion certificate for the fire alarm system and this was expected any day. The Fire Brigade and owners had agreed that the new capacity should be no more than 650, including staff.

In the light of the steps taken by the owners to address all the issues raised the Committee agreed to modify the conditions of the licence as indicated above and take no further action.

Chairman