

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
6 June 2012 (10.35 am - 12.15 pm)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman)

Residents' Group Brian Eagling

Labour Group Denis Breading

Present at the hearing were: G Williamson, B Downton & J MacVeigh (on behalf of the applicant),

Objectors: J Bruce, W Humphries, K Parker, H Hathi & J Forster.

In addition: Havering Police Licensing Officer PC D Fern, A Peatling, Children & Young People's Services and M Grant, Environmental Health.

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

Councillors Barry Tebbutt and Fred Osborne were present.

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

There were no declarations of interest by Members.

PREMISES

Romford & Gidea Park Rugby Football Club
R/O 55-59 Crow Lane
Romford
RM7 0EP

DETAILS OF APPLICATION

Application for a premises licence under section 17 of the Licensing Act 2003 ("the Act").

APPLICANT

Romford & Gidea Park Rugby Football Club
R/O 55-59 Crow Lane
Romford
RM7 0EP

1. Details of the application

The application is for a premises licence to cover the clubhouse buildings and all of the grounds.

Films		
Day	Start	Finish
Friday & Saturday	10:00hrs	23:00hrs

Boxing or Wrestling		
Day	Start	Finish
Saturday	10:00hrs	22:00hrs
Sunday	10:00hrs	20:00hrs

Live Music, Recorded Music, Facilities for Making Music		
Day	Start	Finish
Monday	10:00hrs	22:00hrs
Friday	10:00hrs	23:30hrs
Saturday	10:00hrs	23:30hrs
Sunday	10:00hrs	22:00hrs

Performance of Dance, Things similar to music and dance		
Day	Start	Finish
Monday	10:00hrs	22:00hrs
Friday	10:00hrs	22:30hrs
Saturday	10:00hrs	22:30hrs

Facilities for Dancing, Things similar to music and dance		
Day	Start	Finish
Monday	10:00hrs	22:00hrs
Friday	10:00hrs	23:30hrs
Saturday	10:00hrs	23:30hrs

Supply of Alcohol.		
Day	Start	Finish
Monday	11:00hrs	23:00hrs
Tuesday	11:00hrs	23:00hrs
Wednesday	11:00hrs	23:00hrs
Thursday	11:00hrs	23:00hrs
Friday	11:00hrs	24:00hrs
Saturday	11:00hrs	24:00hrs
Sunday	11:00hrs	21:00hrs

Seasonal variations & Non-standard timings

There was a request for seasonal variations and non-standard timings in the application. This request was originally in respect of four specific special events:

- A “picnic style” classical music event not starting before noon and concluding by 22.30 hrs.

- Two would be popular music concerts not starting before noon and concluding by 22.30 hrs.
- One would be a firework display not starting before 17.00 hrs and concluding by 22.00 hrs.

The applicant subsequently confirmed that whilst the classical music event and the firework display remained, one of the popular music concerts was being replaced by either an exhibition of angling equipment or a dog show – though this had still to be confirmed along with the timing for that event.

The Sub-Committee was reminded that under the Licensing Act 2003 the term “indoors” could relate to temporary structures such as tents. The Sub-Committee was also informed that the applicant had withdrawn his application for films, boxing or wrestling.

2. 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 had complied with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the Romford Recorder on Friday 20 April 2012. Public notices were displayed as close to the premises as was possible.

3. Details of Representations

Valid representations may only address the four licensing objectives

- The prevention of crime and disorder;
- The prevention of public nuisance;
- The protection of children from harm; and
- Public Safety.

There were 83 valid representations against this application from interested parties. These consisted of 3 individual representations, 45 of one type (1) 31 of a second (2) and 4 of a third (3), each of these are the same letter and persons had placed their own address on it and signed. The representations covered a number of issues but fell mainly under the heading of the prevention of public nuisance.

Responsible Authorities

The Metropolitan Police, Public Health and Children and Young Peoples Services made representations about the application.

There were no representations from the following responsible authorities:

The London Fire and Emergency Planning Authority
The Health & Safety Enforcing Authority
The Trading Standards Service
Planning Control & Enforcement

Children and Young People's Services: The Services could not support the application without having sight of a child protection policy. Despite having asked to see something from the Club, nothing had been provided. The Sub-Committee was informed that any policy would need to be linked to the 4th edition of the London Child Protection procedures. Children and Young People Services would also expect the Club's management to clearly set out within the policy how staff would be expected to deal effectively with children and young people reported missing at events. As matters stood at present, the Service had received only vague assurances that this would be addressed and it considered that this was not acceptable: The Club ought to have its policies and procedures in place before any licence was granted. Until that happened the Service would continue to oppose the application.

Environmental Health: The EHO explained to the Sub-Committee that the holding of open air concerts/musical festivals at the venue would give rise to unacceptable levels of noise at the nearby premises. This would arise because there was insufficient spatial separation between a high concentration of residential properties and the venue. In addition there were residential properties directly backing onto the site in both Crow Lane and Meadow Road. It was his considered opinion that open air events (or even those held within tents or marquees) in order to ensure that crowds of up to 4,999 could hear adequately, would need amplification to a level that would be unacceptable to those living near by.

Metropolitan Police: - considered that granting such a licence would impact on the licensing objectives, prevention of crime and disorder, public nuisance and public safety.

The club had not satisfactorily addressed in the application what their main intention was to use this 14 acres site for. The application stated a limited number of outdoor events.

PC Fern addressed the Sub-Committee orally reiterating his written representations stating that the granting of a license for the Club on the information it had currently provided left many areas of concern. He accepted that the application for showing films, boxing or wrestling had been withdrawn by the applicant and that the applicant had clarified in a letter dated 26 May 2012 the intention of the Club to hold just four events a year (one to be a firework display, another to be a "picnic" with classical music, the third to be a "pop" concert and the fourth had not been clearly identified – though the applicant had indicated that it might be an angling event, a different sporting event or a dog show), but quite apart from that event, PC Fern expressed concern that a premises licence would not prevent other events being added to the Club's calendar at some future date.

He reminded the Sub-Committee that there had been past issues concerning the venue when holding events. In particular, the fireworks night had not been discussed with the local police nor had notification been given to the fire service. He added that this created disorder and there were many issues concerning parking and access to the site. The event attracted around 6000

people and this had the potential to put public safety at risk. There was also a reported burglary which took place after the event.

PC Fern expressed concerns about the supply of alcohol and stated that the Police were unsure about whether the club-house would remain open longer than the events, whether drinking vessels would be limited to plastic and there were real concerns about the management of events attracting up to 4,999 people. He added that although CCTV was installed at the Club, it was restricted to the club-house and it would need to be extended to cover entrances and exits to the site if permission were to be granted. He also expressed concern about the ability of the Police to gain access to the CCTV records quickly as in a recent incident, officers had not been able to access CCTV records for an unacceptable period of time – partly due to not being able to gain access to the premises and partly because the person they were able to deal with not knowing how the equipment worked.

In addition, he said that the potential for up to 4999 people to be at the events requested would have an impact on crime and disorder in the area. He said that he would anticipate an increase in thefts, assaults, disorderly conducted and anti-social behaviour within the vicinity. This would, he added, also increase alcohol fuelled violence at the premises and after the event. No doubt youths would also congregate outside such events, which could often intimidate older members of the public attending such events. He considered that a police presence would be essential to ensure a safe environment and that might well have to be paid for by the applicant.

Furthermore there was the potential for some of the 4999 people to go into the town centre - an area which was already highlighted as being under stress. Violent crime was still rising and there was disorderly behaviour in and around the transport hubs. Public nuisance from passers by, or additional traffic related problems could all impact on the area in the vicinity of the Club.

In conclusion, PC Fern stated that the statement by the applicant that the events would be amply managed by volunteer marshals from the club membership was untenable. Whilst this might be appropriate for rugby matches or small-scale events, with crowds of nearly 5,000 there was a need to have professional support. He would want to see SIA approved personnel on the gates and working (with club members) within the grounds to ensure public safety and to provide a highly visible deterrent to crime and disorder both inside and outside the venue.

Mrs J Bruce, an objector addressed the subcommittee stating that her objection to the application was because there had been long-standing issues between her parents (who lived at 55 Crow Lane and the Club, whose address was properly "rear of" 55 to 59 Crow Lane. Her parents had been disturbed by people/taxi drivers knocking at their door – sometimes at anti-social hours – asking for the Club and if it was granted this licence she feared that their lives would be made a misery.

Mr W Humphries also addressed the Sub-Committee detailing his objection to the application. He stated that he was concerned about the almost certain increase in crime this application – if granted – would give rise to. He said that

noise (already an issue as he lived in close proximity to the Club) would become intolerable. He cited the 2010 fire-works event and pointed to the huge problems that had caused not only residents near-by, but those some distance away. The emergency services had also been caused problems and the Police had been given a testing time as well. He added that he was concerned about the prospect of large numbers of children – unsupervised – whilst those responsible for them consumed alcohol. He said that he doubted whether the application was anything more than an exercise to raise income through selling alcohol to young men. He concluded by saying that he saw nothing in the application to persuade him otherwise.

The Chairman asked for clarification from the Police about the burglary and was informed that this had taken place from within the club-house and had not involved any residents' property.

4. Applicant's response.

Mr Guy Williamson on behalf of the applicant responded to representations from Responsible Authorities and interested parties. He stated that the Club could meet the objections raised against the application as the Club was only interested in holding four events in the year. The nature of the events had already been discussed with the Police and the Club had given its assurance that all the appropriate facilities, policies and procedures would be in place in time for those events. He said that the Club had a history of holding events. The firework display of 2010 had proved to be a steep learning curve indeed, but from that, the Club had taken a good deal and appreciated what was needed to ensure such events were managed successfully. And that the issues surrounding that event were not repeated.

With regard to the burglary, he assured the Sub-Committee that it was not connected with the event itself as it did not occur until 2am the following morning and could not be linked to any of the attendees. In any case, the Club would ensure that all receipts taken at any future event were removed from the premises. He added that this was something which could not be legislated against.

Mr Williamson argued that the proposed activities, far from being anti-social, would permit it to become more closely involved with the local community in which it had been a presence for many years. He said that the Club provided facilities which neighbours could make use of. Apart from regular rugby matches, there were adult and youth training sessions and the choice of events was designed to embrace the community; incorporating as it did a picnic with classical music (hardly anti-social), a more energetic concert, a sporting event (or a dog show) – certainly low-key with the only event likely to be both fully attended (at 4,999, not the 6,000 quoted by PC Fern), being the fire-work display. He hoped that the community could get behind the Club and support it in order to ensure that its presence would continue to provide entertainment for local residents.

He questioned the Police statement that the Club could not provide itself with adequate crowd maintenance as the Club boasted both serving and retired members of the police force and there were plenty of able-bodied members who would happily volunteer to watch the gates and patrol the event.

Mr Williamson was at pains to show that there would be no extended drunkenness associated with the events. All were firmly aimed at the family with starting and ending times as appropriate: The picnic would be during spring and run between noon and 9.00pm, the Concert would be in autumn and be the same time. It too was family orientated and he declared that it was not targeted at young men and women who only wanted to drink. The only "late" event would be the fireworks which would commence around 5.00pm and end at 10.00pm. In each case the Club would ensure that the venue was cleared half an hour later. He added that there would be no extended drinking in the club house either.

He reiterated that the Club had no intention of showing films, nor holding boxing or wrestling matches. He admitted that this had been completed on the application in error. He confirmed that each of the events would be by ticket only and, in answer to a question, confirmed that application would be either on line or from the Club direct. He confirmed that the existing CCTV facility would be upgraded where necessary and extended to cover outside areas – most notably the entrance to the site – in order to be able to identify all those coming to the event. Tickets would be scanned to ensure they were genuine. He confirmed that the Club would work closely with the Police, Children's Services and all other agencies to ensure that public safety – especially the safety of children – was assured. In addition, he promised that the Club would apply Challenge 21 at all outlets selling alcohol and that only plastic containers would be in use whether in the club house or outside. He specifically ruled out any off sales and confirmed that only opened containers would be available at the events.

Concerning nuisance off site, he argued that this was not wholly within the power of the Club to regulate. There would be signs prominently displayed to remind patrons of the need to respect the rights of those living near the venue not to be disturbed when coming to and leaving an event. In addition, he stated that the Club would welcome working with Environmental Health and the Police to set acceptable noise levels and it would monitor those during the event. He thought that the argument that these events would cause significant traffic/parking problems had been exaggerated because the venue had hard standing to accommodate some 200 vehicles and by use of some of the pitches, a further 500-600 vehicles could be parked, so on street parking and neighbour nuisance should be minimal.

Mr Williamson then questioned the reasoning of the large number of objections which appeared to be based more on speculation than on fact. With the exception of the firework display, there was no evidence the Club was not capable of managing well run events. The crime and disorder figures quoted were not attributable to the vicinity of the Club but to the wider area. Issues concerning town centre "hot spots", dispersal issues and the like could not, reasonably, be extrapolated to Crow Lane. If the Police were basing "crime" on one burglary, the argument could not be supported. If the Police had genuine concerns and could show the Club what they were and how they impacted on the Club, it would be in the Club's interest to work closely with the Police to combat it and that was the stance the Club was taking. He argued that the

Club's management were responsible people whose only interest was to provide the members of the Club – along with the local community – with some well considered entertainment. He accepted that, during the events themselves, there would be some intrusion on the peace and tranquillity of nearby residents, but on the other hand, this would only be for four weekends a year.

He referred to an e-mail which had been sent by Councillor Osborne, but pointed out that it referred to nothing specific. Had it done so, the Club would have been happy to address the matter with the Councillor. He also referred to the concerns raised by both objectors, saying that Mrs Bruce's concerns were specific to her and her parents and as such, the Club could address them. They were not, however, the basis of general public nuisance. He accepted that Mr Humphries had raised a number of issues, but said that on examination, the bulk of his objections were based on speculation without evidence to support his claims.

In conclusion, he reiterated his assertion that the events, numbering no more than four, did not constitute a threat to public safety, nor would they amount to contributing to public nuisance. The Police had not shown that there was any evidence that the granting of a licence would, in itself, lead to a rise in crime and disorder either within the locality or even to the town centre. He repeated his assertion that the Club could manage up to 4,999 people attending any event (indeed, he would put the figure as being more realistically nearer half that figure (with the possible exception of the firework display) and said that with currently serving and retired police officers as members of the Club, it could deliver its own security without the need for professional assistance. The Club would work with all the agencies (most notably the Children's Service, Environmental Health and Police) to deliver safe, enjoyable entertainment for its members and local community.

The Chairman asked for clarification by Mr Williamson as to the requirements of the application as it now stood and was informed that there were only four events and that the application for the showing of films, boxing and wrestling had been withdrawn. All other elements of the application remained the same.

PC Fern responded to Mr Williamson's statement by informing the Sub-Committee that although there might be an absence of clear statistics concerning crime, there was a good deal of inferential evidence that large scale events (and 4,999 people was "large scale") unless carefully planned, monitored and managed, could easily deteriorate and become impossible to control. He remained unconvinced that the Club was capable of ensuring a successful delivery of these events and he would need to see much more from the Club's management in the form of written policies and detailed procedures – as well as an acceptance of the need to employ SIA approved personnel – before he would change his view or withdraw his objection.

The Children and Young People's Services representative remained of the opinion that nothing had been said to change her mind that children remained at risk and that only a policy with detailed procedures – which the Service had approved – being in place would change her mind. The EHO said that his view had not changed either.

Councillor Eagling asked the applicant whether the licence would extend to the club house and whether Challenge 21 would be applied there as well. This was confirmed. He then asked whether the sale of alcohol would end with the event – specifically the fireworks display and was informed that the sale of alcohol would cease half an hour before the end of the event.

Councillor Eagling then asked for clarification about the numbers of cars the Club was proposing to park on site and was informed by the applicant that this would be between 750 and 800, with 200 on hard standing and the remainder parked on the pitches. Councillor Breading questioned the applicant further about the allocation of space and, with the anticipated attendance of some 5,000 people, in his estimation 800 cars would be insufficient so where were the remainder to be parked? In response, Mr Williamson stated that he would expect some to be parked locally; but added that it was the Club's intention to ensure that any on-street parking was done responsibly and if any cars were found to be parked inconsiderately, the registration number would be announced over the public address system and the owner asked to move the vehicle. Mr Williamson added that the 4,999 was unlikely to be a realistic figure and argued that 2,500 – 3,000 was likely to be a more realistic figure and so parking facilities should be able to cope.

Councillor Breading then asked about provision for securing takings – including ticket sales - and was informed that tickets would be offered for sale on the internet and from the club house, but there would be no sales in the last 24 hours before an event so that the only money on site would be from the sale of food and drink and this would be removed from the venue.

5. Determination of Application

Decision

Following the hearing held on 6 June 2012, the Sub-Committee's decision regarding the application for a Premises Licence for Romford & Gidea Park Rugby Football Club, R/O 55–59 Crow Lane, Romford RM7 0EP is 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 were:

- 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.

Facts /
Issues

Whether the granting of the premises licence would undermine the four licensing objectives.

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

The Police had submitted that granting a premises licence to the Club without any procedures or policies in place which had been developed with the Police and approved by them would almost certainly lead to issues impacting on all the four licensing objectives.

The Children and Young People's Services representative had expressed the view that unless the Club produced policies and procedures which addressed its concerns for vulnerable young people and children and had those policies and procedures approved by the service, it remained a matter of doubt whether the applicant had addressed the licensing objective for protecting children from harm.

The Environmental Health Officer had made it clear that without policies in place to show how the Club was proposing to manage noise effectively, the prevention of public nuisance objective could not be shown to have been addressed.

The Sub-Committee accepted that genuine concerns were raised by a number of responsible authorities as to how events of this size would be managed. There appeared an intent to operate in a responsible manner, but no detail provided as to how that would in fact be done. It was asserted that events of this size require serious pre-planning, and none of this planning was evident in the application before the Sub-Committee

The Sub Committee therefore determined to **refuse** the application for the following reasons:

That having clarified that the application was for live music, recorded music, facilities for making music, performance of dance, things similar to music and dance, facilities for dancing, things similar to music and dance and the supply of alcohol (and not the showing of films, boxing or wrestling) – which would be throughout the year and, in addition four specific events (one of which had not yet been defined), the Police, Children's Service and Environmental Health

Service remained concerned that, as currently set out, all the licensing objectives would be adversely affected by the granting of a premises licence.

It was to be regretted that in spite of the clarification, the application before the Sub-Committee was still insufficient to overcome those concerns. In particular, events of the size proposed needed to be fully planned well in advance and should have been presented as part of the application.

The Sub-Committee did not have sufficient information before it to be satisfied that the concerns raised by the responsible authorities had been properly addressed. Whilst the Sub-Committee could see good intent behind the application, it needed to be satisfied that the premises licence (which in this instance would cover the whole site and not just the club house) had in place policies and procedures to function effectively and that the special events proposed would be properly planned and managed, in a manner that would satisfactorily promote the licensing objectives. In its present form, the application lacked sufficient detail to convince the Sub-Committee that such events could be run safely.

Chairman