

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 15 October 2012

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	APPLICATION FOR A PREMISES LICENCE RE 131 SOUTH STREET, ROMFORD.	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES 131 South Street, Romford, RM1 1NX</p> <p>DETAILS OF APPLICATION</p> <p>Application for a premises licence under section 17 the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT Mr Joe Fletcher, 26 North Street, Romford RM1 1BH</p> <p>1. Details of the application</p> <p>The premises are an end of terrace property, it has two floors and it was proposed to have a licensed area on the ground floor and on part of the first floor with offices for the venue and others on the first floor.</p>
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		<p>The premises are situated on the east side of South Street at the junction with Eastern Road. The surrounding premises are shops or businesses some with residential properties above. There were a number of licensed premises in the vicinity.</p> <table border="1" data-bbox="689 587 1800 724"> <thead> <tr> <th colspan="3">Live music, Recorded Music, Performance of Dance, Provision of facilities for making music and dancing, Supply of Alcohol</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>10:00hrs</td> <td>02:00hrs</td> </tr> </tbody> </table> <table border="1" data-bbox="689 762 1800 868"> <thead> <tr> <th colspan="3">Late Night Refreshment</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>23:00hrs</td> <td>02:00hrs</td> </tr> </tbody> </table> <p><u>Seasonal variations & Non-standard timings</u></p> <p>No seasonal variations or non standard timings were applied for in this application.</p> <p>2. Promotion of the Licensing Objectives</p> <p>The applicant completed the operating schedule, which formed part of the application to promote the four licensing objectives.</p> <p>The applicant acted in accordance 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 31st March 2012.</p>	Live music, Recorded Music, Performance of Dance, Provision of facilities for making music and dancing, Supply of Alcohol			Day	Start	Finish	Monday to Sunday	10:00hrs	02:00hrs	Late Night Refreshment			Day	Start	Finish	Monday to Sunday	23:00hrs	02:00hrs
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		<p>The premises are situated inside the Romford Ring Road and falls within Havering’s saturation area for Romford.</p> <p>3. Details of Representations</p> <p>Valid representations may only address the four licensing objectives</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • The prevention of public nuisance; • The protection of children from harm; and • Public Safety. <p>There were two (2) valid written representations against this application from interested parties.</p> <p>The representations related to all four licensing objectives. Both representations referred to the affect of new premises on the Saturation Policy. Councillor Thompson, at the hearing, raised concerns as to dispersal of patrons from the premises after closing time, and the impact of “human noise”, which created potential public nuisance.</p> <p><u>Responsible Authorities</u></p> <p>Metropolitan Police: -.had made a representation against the application because the applicant had failed to address the licensing objection regarding Prevention of Public Nuisance due to the building restriction and the hours applied for being outside those hours:</p> <p>The Police had opened negotiations with the applicant and indicated in their written representations that subject to the question of opening hours being resolved and the imposition of conditions as set out they</p>

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		<p>would have no objection to the application.</p> <p>Public Health: - None.</p> <p>London Fire & Emergency Planning Authority (“LFEPA”): None.</p> <p>Planning Control & Enforcement: None.</p> <p>Children & Families Service: None</p> <p>Trading Standards Service: None</p> <p>The Magistrates Court: None</p> <p>Licensing Authority: had submitted a representation based upon the prevention of crime and disorder and the prevention of public nuisance. It relied on paragraph 13.19 of the guidance issued under s.182 of the Act which defines ‘cumulative impact’ as ‘the potential impact on the promotion of the licensing objectives of a significant number of licensed premises in one area.’</p> <p>Reference was also made to Havering’s licensing policy 18 which states ‘It is the LLA’s policy to refuse applications in Romford within the ring road for pubs and bars, late night refreshment premises offering hot food and drink to take away, off licences and premises offering facilities for music and dancing other than applications to vary hours with regard to licensing policy 12.’</p> <p>The representation further specified how this application would impact on the saturation zone.</p> <p>4. Applicant’s response.</p>

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		<p>The applicant indicated that he was looking to bring a better clientele to Romford. He stated that since 2007 the number of visitors to Romford’s Night Time Economy had dropped from 20,000 to 10,000. The Night Time Economy was in decline.</p> <p>He would have a dispersal policy in place and had demonstrated his ability to run a well managed premises with the Buddha Lounge. 131 South Street was well located with its proximity to the train station and the Taxi rank in close proximity. He also understood that proposals were in place to increase the number of public toilets in the Town Centre.</p> <p>131 had been in operation when the saturation policy was introduced so it was not a new set of premises. There had been no objections concerning noise and according to the Metropolitan Police website crime in Romford was on the decrease.</p> <p>He was asking for a 2.00am closing time to put him on a level playing field with other clubs in Romford Town Centre. He was aware of the issue with planning and was in the process of submitting a planning application to resolve this matter. He was happy to accept all the conditions requested by the Metropolitan Police.</p> <p>Has stated early he currently runs the Buddha Lounge, but here was only a two year lease remaining.</p> <p>5. Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 15 October 2012, the Sub-Committee’s decision regarding the application for a Premises Licence for 131 South Street, Romford was as set out below, for the reasons shown:</p>

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		<p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>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.</p> <p>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.</p> <p>Agreed Facts <u>Facts/Issues</u></p> <p>Whether the granting of the premises licence would undermine the four licensing objectives.</p> <p>In response to the representations from the applicant PC David Fern indicated that the proposals for introducing additional toilets in the Town centre was in the early stages. The Police were still in negotiation with the Local Authority.</p> <p>With regard to crime Romford Town ward was the most violent over the last 5 years in the North East cluster. Yes progress was being made but using the MPS figures could be misleading.</p>
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		<p>The previous licence for these premises was subject to restriction under planning legislation with the premises being restricted to opening till 2.00am on just 20 nights per year.</p> <p>The objection was based on public nuisance. However, the Police have built a good relationship with the applicant whilst he has been running the Buddha Lounge. With the conditions as requested and agreed with the applicant and the resolution of the planning issue relating to opening hours the police would have no objection.</p> <p>Licensing Officer Paul Jones maintained the Licensing Authority's representation and reiterated that the application would have the potential to impact negatively upon the licensing objectives in what was an area under stress. There was already evidence of criminal activity in the area relating to alcohol, which had led to the area being designated as a cumulative impact zone by the authority's saturation policy. A further licensed premises would, he submitted, inevitably add to the potential of impact upon the licensing objectives. Mr Jones submitted that the application should be considered through the lens of the saturation policy, and this application was not sufficient to be an exception to that, and he asked that it be refused.</p> <p>The Sub-Committee, having considered the various representations, and given the acceptance of the</p>

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		<p>application by the Metropolitan Police subject to conditions as listed below were prepared to grant the application. It was noted that the premises was in the saturation zone, but the saturation policy was based upon police concerns (and statistics) as to crime and disorder in the area, and the police had indicated that, with suitable conditions, the applicant would not impact negatively upon the licensing objectives, or add to concerns of cumulative impact upon those objectives. A cumulative impact policy could not place a quota of bars in the area, nor was the need for licensed premises able to be considered. If an application would not add to the cumulative impact, it ought to be granted. The aim of the saturation policy was to ensure the responsible operation of licensed premises, and the applicant was a proven responsible operator. The conditions suggested by the police satisfied them that there would be no further impact upon the licensing objectives, and the Licensing Sub-Committee were also so satisfied.</p> <p>The conditions to be applied to this consent as requested by the Metropolitan Police are:</p> <p><u>CCTV</u></p> <p>The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p> <p>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.</p> <p>A staff member from the premises who is conversant with the operation of the CCTV system shall be on</p>

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		<p>the premises at all times when the premise is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.</p> <p>The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority; Site plan showing position of cameras and their field of view, Code of Practice, Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position, Operational requirement, Incident log, Maintenance records including weekly visual checks.</p> <p><u>CONTROL ENTRY & EXIT</u></p> <p>The premises shall use polycarbonate drinking vessels from 1900 hours daily and all bottles will be plastic or decanted into polycarbonate/plastic vessels at the point of sale.</p> <p>All windows and external doors shall be kept closed after (21:00) hours, except for the immediate access and egress of persons.</p> <p>No patrons shall be admitted or re-admitted to the premises after (0100).</p> <p>No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage at any time.</p> <p>The premises Main entry/exit door shall be of a lobbied design.</p> <p>There shall be no sales of alcohol for consumption off the premises.</p>

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		<p>The premises will have a smoking policy approved by Havering Police and no amendment shall be made without the prior consent of the police. A copy of the policy shall remain on the premises and will be made available for inspection by any relevant authority requesting it.</p> <p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited. The exact numbers can be found in the smoking policy. No persons at any time and shall be permitted to take drinks or glass containers, drinking vessels with them after 1900 hours into the smoking area.</p> <p>The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway. A written queue management policy shall be held at the premises and a copy made available when requested by a relevant authority.</p> <p>There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.</p> <p>All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.</p> <p>A proof of age scheme, Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.</p> <p>SIA door shall be employed at the premises when open for licensable activity unless a risk assessment is completed. SIA door staff must be employed on the request of the police.</p> <p><u>LOGS</u></p>

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		<p>A Premises log book shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. The log will record the following:</p> <ul style="list-style-type: none"> (A) All crimes reported to the venue (B) Any complaints received (C) Any faults in the CCTV system or searching equipment or scanning equipment (D) Any visit by a relevant authority or emergency service. (E) The person in charge of the premises that day. <p>An SIA incident book shall be at the premises this will record all Door Supervisors on duty, their full name and SIA number. This will be completed at the commencement of work. This book will show times commenced and concluded of their duty at he venue.</p> <p>The incident book shall also document, any incident at the venue, this will then be countersigned by the head door supervisor and duty manager at the time.</p> <ul style="list-style-type: none"> (1) All ejections of patrons (2) Any incidents of disorder (3) All seizures of drugs or offensive weapons shall be stored in the premises safe. (4) Patrons who have been refused entry. (5) Any other incident that the door supervisor feels is relevant. <p>An SIA registry this shall be kept at the premises, this will include the full details of each SIA member employed at the premises. This shall record their full name, home address and contact telephone number and the Door Supervisor’s SIA registration number. 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. This registry shall remain at the premises and be made available for inspection by any relevant authority requesting it.</p>

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		<p>A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premise is open.</p> <p><u>Training and polices</u></p> <p>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, copies of training records must be available to a relevant Responsible Authority when called upon. Refresher training must be at not less then 6 monthly intervals for all staff.</p> <p>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.</p> <p>The Licence Holder shall implement a written Children’s Policy which must be approved in writing with the Police or Havering’s Children and Young Persons services. It should include. ‘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 19:00hrs and 06:00hrs’, unless specifically covered in the Children’s Policy. A copy of the children’s policy must be kept at the premises and made available to any relevant authority requesting it.</p> <p>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 implemented once approved in writing by Havering Police. A copy shall remain at the premises and be made available to any relevant authority requesting it.</p> <p>Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at</p>

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		<p>any points of sale, advising customers that they may be asked to produce evidence of their age.</p> <p>The Licence Holder shall sign up to the Safe and Sound approved charter and attend the relevant meetings.</p> <p>The licence holder will operator a ID SCAN or CLUB SCAN system at the point of entry, this will be mandatory on Thursday , Friday, Saturday nights from 1900 hours and all Sundays preceding a bank holiday Monday. The licence holder should risk assess all other nights and consider its use.</p> <p>A dispersal policy shall be place and approved by Havering police. Any amendment made to the policy must be approved by the police. This policy must be made available to any relevant authority when requested. A copy of the policy shall remain at the premises at all times.</p> <p>The applicant was reminded that the licence could not be operated in full until the planning issues had been resolved.</p> <p>6. Right of Appeal</p> <p>Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates’ Court <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates’ Court may:</p> <ol style="list-style-type: none"> 1. dismiss the appeal; or 2. substitute the decision for another decision which could have been made by the Sub Committee; or 3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. make an order for costs as it sees fit.

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		James Goodwin Clerk to the Licensing Sub-Committee