

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 28 January 2013

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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

<p>A1</p>	<p>APPLICATION TO VARY A PREMISES LICENCE - GOOSE PH, 143 South Street, Romford, RM1 1PL</p>	<p>PREMISES Goose PH 143 South Street Romford RM1 1PL</p> <p>DETAILS OF APPLICATION</p> <p>Application to vary a premises licence under section 34 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT Stonegate Pub Company Limited</p> <p>1. Details of the application</p> <p>The application to vary the premises licence does not affect the hours of licensable activity. The application is:</p> <p>1. To alter the opening hours on the Premises Licence so that breakfasts can be served at the venue (licensable activity will not take place at the earlier time). This activity is not licensable under the Licensing Act 2003 but if granted by the Sub-Committee would tidy the licence and make matters clear for any future enforcement.</p> <p>2. To remove conditions and replace them with others these are listed on page 8 of the application.</p>
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		<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 Yellow Advertiser on Wednesday 12 December 2012.</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 • Public Safety. <p>There was a representation against this application from an interested party based on under the heading of the prevention of crime and disorder and the protection of children from harm.</p> <p>Responsible Authorities' representations</p> <p>Trading Standards was concerned that should the Sub-Committee grant the application in its current form, the suggested wording of the alternative conditions was open to an interpretation</p>

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		<p>that would be insufficient to prevent under age supply of alcohol at the premises. The Trading Standards Specialist informed the subcommittee that he was generally in agreement with the application, and that since different management took over the premises there have been no failed test purchases at the premises, that on each occasion of a test purchase, volunteers had been challenged.</p> <p>There was some concern that the conditions currently on the licence have contributed to the recent success on test purchases, and some of these were to be changed by way of this application. The Sub-Committee was informed that Trading Standards Specialist was also happy to attend the premises’ proposed training session in order to assist. He was in agreement that door staff could be present at the premises from 19:00 hours (rather than 12:00) on the basis of assurances provided by the applicant as to training and the company operating its own independent test purchases.</p> <p>Regarding the condition prohibiting under 18s entering the premises after 7pm, Trading Standards preferred a form of wording whereby under 18s could not be present after 7pm, and that they could only be there prior to 7pm if accompanied by a person over 18 and taking a meal.</p> <p><u>Responsible Authorities</u></p> <p>Metropolitan Police: None</p> <p>London Fire & Emergency Planning Authority (“LFEPA”): None.</p> <p>Planning Control & Enforcement: None.</p> <p>Children & Families Service: None</p>

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		<p>The Magistrates Court: None</p> <p><u>Interested parties' representations</u></p> <p>This representation was based upon the prevention of crime and disorder and the protection of children from harm objectives and noted that the premises is located in the Romford Town Centre special policy area.</p> <p>Mr Graham Hopkins, the objector did not attend the hearing. His representation detailed that as a frequent user of Romford station, a frequent visitor to Romford Town centre and a person who conducts business within the town centre he was objecting as the Goose was still regarded as largely young person's venue especially at weekends.</p> <p>Mr Hopkins was of the opinion that it is generally accepted that a failed test purchase is indicative of further undetected underage sales which is a serious issue at a public house in the Town Centre.</p> <p>He was of the view that Stonegate Pub Company proposal to ease the licensing conditions is to reduce their cost and increase profitability and the attraction of the pub, and that this attraction will no doubt include young people and as night follows day a percentage will be will be underage and get served alcohol.</p> <p>In Mr Hopkins' view the application did not offer any measures to replace the successful presence of the current door supervisors who have done a lot to maintain order and deter underage persons.</p>
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		<p>Given the past history of the premises regarding irresponsible and incompetent management and the recurrent underage sales, Mr Hopkins’s representation to the sub committee was to reject the removal of these conditions and the continued presence of door supervisor and outright ban of under 18s at the premises.</p> <p>4. Applicant’s response.</p> <p><u>Reply for the Premises Licensee</u></p> <p>Clare Eames, Legal representative for Stonegate Pub Company Ltd who own Goose PH addressed the Sub Committee. She outlined the actions that the premises had taken at the venue since the failed test purchases and their meetings and correspondence with the responsible authorities. She set out:</p> <ul style="list-style-type: none"> • That the company that runs the premises was now different from the business when a premises licence review was undertaken in 2009. • That at the initial stage, the company had approached the Police and Trading Standards informally before putting in the application for a variation. • That approximately two years ago, Stonegate Pub Company Ltd purchased the premises from Mitchell & Butler. • That premises sought to open its premises for breakfast, and this part of the application (opening at 8:00am) was not objected to. • That the idea was to make the premises a family friendly premise that was food- led during the day. The main reason for the application was the company’s desire to grow their food business. • That as part of the variation application, the premises was seeking to attract family

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		<p>meals to be taken on the premises, and therefore sought to allow under 18s into the venue before 19:00 hours. A door supervisor does not look particularly family friendly, hence the desire to remove the condition requiring his presence prior to 19:00 hours.</p> <ul style="list-style-type: none"> • The business intend to retain door supervisors on the premise from 19:00 hours • That the intention to operate as a family friendly was as a result of a genuine customer demand to bring children along. • That the premises will still operate the Challenge 25 Policy at the premises with the support of posters and badges and verbal communications to customers. The bar staff are required to make these checks (and do so) whether or not door staff are on duty. • The operators had spoken with Police Constable David Fern, who had no objection to the application, and Keith Bush, who was satisfied, but had sought further clarification. • That the premises will continue to have management and floor walkers around premises to ensure underage are not on the premises after 19:00 hours. • That in order to improve on test purchases, the premises was working with Serve Legal to undertake independent test purchases at the premises. If there is a failure with Serve Legal, a disciplinary process is invoked, there is zero tolerance to underage sales. • The premise continues to operate the refusal on till system. Over two weekends in January 2013, the refusal register on till recorded over 200 refusals on each day. <p>5. Determination of Application</p> <p>Decision</p> <p>Following the hearing held on 28 January 2013, the Sub-Committee’s decision regarding the application to vary a Premises Licence for Goose PH, 143 South Street, Romford, RM1 1PL was as set out below, for the reasons shown:</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the</p>

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		<p>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><u>Facts/Issues</u></p> <p>Whether the granting of the premises licence would undermine the following licensing objectives.</p> <p>The prevention of crime and disorder</p> <p>The sub-committee noted that the representation from the interested party relied on the concerns of Trading Standards. At the hearing Trading Standards stated that their concern related mainly to the wording of suitable conditions on issues relating to under 18 years old at the premises.</p> <p>Ms Eames stated that the applicant was willing to adopt the wording suggested by Trading Standards as to the presence of under 18s, and had</p>

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		<p>The protection of children from harm</p> <p>made assurances to address the concerns raised (retraining of staff, independent test purchasing, door staff from 19:00),</p> <p>The subcommittee took note of the management arrangement at the Goose and the system in place to deter under 18 years old who are unaccompanied attending the premises. They also deliberated on suitable last order deadline for family with under 18 years wanting to attend the premises and keeping to the 19:00 hours deadline for underage being on the premises.</p> <p>The applicant assured the Sub-Committee that it would advise parties with under 18 members coming in to the premises close to 19:00 (18:15 onwards) that they would be unable to take a meal, and that they will have to leave by 19:00. The applicant further accepted a condition on the licence requiring signage advising patrons of this fact (that last orders for food for those with under 18 persons would be 18:15).</p> <p>The Sub-Committee decided to grant the application as applied for following assurances provided by the applicant as to independent test purchasing, and agreement from all parties present to the following conditions:</p> <ol style="list-style-type: none"> 1. That all staff will be fully retrained following the variation application being successful 2. That door staff will be present from 19:00 hours at night. 3. That a person under the age of 18 years shall not be allowed on the premises unless accompanied by an adult, and taking a meal. 4. That a person under the age of 18 years shall not be allowed to remain in the premises after 19:00 hours.

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		5. That prominent clear notices shall be displayed on the premises stating that last orders for persons under the age of 18 years accompanied by an adult will be 18:15 hours.