

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 16 October 2013

Agenda Item No	Topic	Decision																		
		<table border="0"> <tr> <td>Monday to Saturday</td> <td>11.00</td> <td>02.00</td> </tr> <tr> <td>Sunday</td> <td>11.00</td> <td>00.00</td> </tr> <tr> <td colspan="3">Late night refreshment</td> </tr> <tr> <td>Day</td> <td>From</td> <td>To</td> </tr> <tr> <td>Monday to Saturday</td> <td>23.00</td> <td>02.00</td> </tr> <tr> <td>Sunday</td> <td>23.00</td> <td>00.00</td> </tr> </table> <p>Opening hours: Monday to Saturday – 11.00 to 02.00, Sunday – 11.00 to 00.00</p> <p>2. Grounds for Review</p> <p>A section 161 Licensing Act 2003 closure order was made against <i>Hot & Tasty Chicken</i> by the Metropolitan Police on Saturday 4th May 2013 between 00:30 and 01:00. On Tuesday 7th May 2013 (Monday 6th May 2013 was a bank holiday), as required, the Metropolitan Police attended Barkingside Magistrates' Court to apply for the court to consider the closure notice in accordance with its duty under s.165. The court considered the closure order and determined that it would not exercise any of its rights to further modify the notice. The closure notice therefore expired 24 hours after its initial service.</p> <p>Section 165(4) requires the court to notify the Licensing Authority of its determination; however, this notification was not supplied to Havering until 19th September 2013 subsequent to repeated requests to do so from the London Borough of Havering and the Metropolitan Police. It was upon the receipt of the court's notification on 19th September 2013 that this review process was initiated.</p> <p>Requirements upon the Licensing Authority</p> <p>The provisions of s.167(4) of the Act dictate that the Licensing Authority undertakes certain</p>	Monday to Saturday	11.00	02.00	Sunday	11.00	00.00	Late night refreshment			Day	From	To	Monday to Saturday	23.00	02.00	Sunday	23.00	00.00
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		<p>functions with regard to an application made under this section. To this end the Licensing Authority gave a copy of the application to the premises licence holder and each responsible authority. It also installed an appropriately worded public notice advertising this application at the premises, at Havering's Town Hall and on Havering's website inviting interested persons and responsible authorities to make representations against, or in support of, the application.</p> <p>When determining an application for a premises licence review made after a s.161 closure notice has been given s.167 of the Act requires that the relevant Licensing Authority holds a hearing to consider the closure order, any order issued by the court under s.165(2) and any relevant representations made. There were no orders issued by the court with regard to the closure notice.</p> <p>During the hearing the Licensing Authority must take any of the following steps it considers necessary to promote the licensing objectives [s.167(5)(b) & (6)]. These steps are:</p> <ul style="list-style-type: none"> (a) to modify the conditions of the premises licence (b) to exclude a licensable activity from the scope of the licence (c) <i>to remove the designated premises supervisor from the licence</i> * (d) to suspend the licence for a period not exceeding three months (e) to revoke the licence <p>Where the Licensing Authority takes a step as defined by (a) or (b) above it may provide that the modification or exclusion is to have effect for a specified period not exceeding three months [s.167(8)].</p> <p><i>(* This premises licence does not authorise the supply of alcohol; therefore (c) will not apply in this instance.)</i></p>

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		<p>3. Promotion of the Licensing Objectives</p> <p>The review had been requested in order to promote the licensing objectives as shown below</p> <ul style="list-style-type: none"> • The prevention of crime and disorder <p>4. Details of Representations</p> <p>The following Responsible Authorities submitted no representation:</p> <p>London Fire & Emergency Planning Authority (“LFEPA”) – None</p> <p>Health & Safety Enforcing Authority - None</p> <p>Planning Control & Enforcement – None</p> <p>Children and Family Services– None</p> <p>The Magistrates Court – None</p> <p>Representation from Interested Party – None</p> <p>Representations were received from the Metropolitan Police and Havering’s Licensing Authority:</p> <p>The Chief Officer of the Metropolitan Police</p> <p>PC Jason Rose made representation on behalf of the Metropolitan Police. PC Rose’s representation details the sequence of events which led to the s.161 closure order being made and further details the Police concerns in relation to promoting the licensing</p>

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		<p>objectives.</p> <p>The following information was recorded against the premise.</p> <p>Police submit the following report in response to a closure order issued at Hot & Tasty Chicken, 140 SOUTH STREET, ROMFORD, RM1 1TE by police under the Licensing Act 2003. Official notification has been received from REDBRIDGE MAGISTRATES COURT evidencing a hearing on 7th MAY 2013 concerning the above named premises and its closure by police on 4th MAY 2013. The court determined not to use its power under section 165 Licensing Act 2003 but was satisfied with the use of section 161 by police in the circumstances. It is unknown why it has taken the court until now to notify the local authority. Officers including Inspector BLACKLEDGE and I have made several attempts for this notification to be served before now.</p> <p>Police believe the premises of HOT & TASTY is not acting in a responsible manner to promote the licensing objectives during its late night refreshment hours. Officers feel this premises has a negative effect on crime and disorder and public nuisance, not to mention public safety. Police wish to bring to the Sub-Committee's attention a number of breaches to the premise licence conditions along with suggestions on how these issues may be remedied by changes to their current licence.</p> <p><u>Closure under section 161 Licensing Act 2003:</u></p> <p><u>Saturday 4th MAY 2013 @ 00:30-01:00hrs</u></p> <p><u>Other Offences observed - Breach of license condition two (Premises shall have a door supervisor on Friday and Saturday after midnight)</u></p> <p>At 00:30 on Saturday 4th MAY 2013 Pc 403KD Davies witnessed the premises open for trading but no SIA badge holder being on duty, clearly breaching condition two of their</p>
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		<p>premises license. Police Inspector Lorraine COWLEY visited the premises at approximately 01:00 hrs and pointed out this issue with the manager, Mr Ashmatullah TURKMANI. When this breach was pointed out, Mr TURKMANI informed the police that he and his brother were the new owners and had had no problems since installing a re-enforced glass panel at the counter which left only a small gap at the bottom to pass food and money with customers. It was established that no door staff were on duty in any capacity. INSP. COWLEY noticed large groups of males gathering outside and trying gain entry. She describes them as “high spirited” and “under the influence of alcohol”. INSP. COWLEY then elected to exercise her powers of closure under section 161 of the licensing Act 2003 and notified Mr TURKMANI of this informing him that the closure was effective from 01:00hrs until 09:00hrs.</p> <p><u>BACKGROUND</u></p> <p>This premises is located within Havering borough’s Anti-Social Behaviour hotspot and directly beside the Transport for London (TfL) travel network hub. There are two large bus stops directly outside the premise which service night buses. Naturally, large numbers of people - under the influence of alcohol –would be likely to congregate through-out the evening and into the early hours.</p> <p>This year alone police have received several complaints of violence and anti-social behaviour recorded directly against the premises. A number of crimes have also been recorded showing the premise as the venue.</p> <p><u>5402572/13 - Grievous Bodily Harm, Sunday 17th FEB 2013 @ 00:30 hours:</u></p> <p>The victim attended the premises with his girlfriend and once inside got talking to a group of males. During the conversation one of the males called the victim’s girlfriend “Fatty”, his girlfriend heard the comment and stormed out of the premises upset, leaving the male victim at the location. A short while later the victim had sustained serious head injuries</p>
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		<p>which resulted in a diagnosed fractured skull and a blood clot that needed surgery. It is believed the victim defended his girlfriend's honour and was attacked by the three males. Upon police arrival at the venue an hour later, the staff denied that any incidents had taken place; the premises had been cleaned and there was no sign of any blood or blood splatter. When officers asked to view the CCTV record they were informed it could not be operated by the members of staff on duty at that time. No CCTV to this date has been recovered and no scene identified.</p> <p><u>5401728/13 - Sec 5 Public Order Act, Saturday 16th MARCH 2013 @ 00:05 hours:</u></p> <p>Police came across an argument between the suspect and a member of staff at the venue who stated that the suspect, along with two other males, had sat down and started causing trouble in the shop and when asked to leave became abusive. The Member of staff informed the males that seating in the shop was for paying customers only and the males were asked to leave. Police were called. The suspect was warned repeatedly with regard to swearing in public next to the main bus hub. However he continued to shout obscenities and displayed crude and rude hand gestures. This behaviour was observed by approximately thirty members of the public.</p> <p><u>Saturday 4th MAY 2013 @ 00:30-01:00hrs, Closure order under section 161 Licensing Act 2003 already referred to:</u></p> <p><u>5408179/13 - Actual Bodily Harm, Wednesday 05th JUNE 2013 @ 01:40 hours:</u></p> <p>A male and female couple were waiting for their food when the suspect entered the shop. He engaged the couple in conversation but this conversation turned to violence. The suspect punched the male victim twice in the face then kicked the female victim in the chest for no apparent reason.</p> <p>The fight spilled out onto the footway outside in the transport hub. The suspect continued</p>

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		<p>to parade outside the shop swearing and shouting. Police arrived and arrested the male. At the time of the police arrival the shop had been closed and police could not liaise with any staff and obtain witness or possible scene evidence. Pc ROSE attended the premises the following day and was informed by both Mr Ashmatullah TURKMANI (manager) and Mr Hayadulla TURKMANI (his brother) that neither of them could operate the CCTV system to show the footage or download it for evidence. Police had to return the following day, some 34 hours after the event to view CCTV evidence.</p> <p>Not only has the premises been a location for crime and disorder but officers have had to visit the establishment on other occasions.</p> <p><u>Breach of license condition two (Premises shall have a door supervisor on Friday and Saturday after midnight) Saturday 28th April 2013 @ 00:05-00:15hrs</u></p> <p>Officers from Havering licensing authority observed the premises operating without any door supervisors at approx. 00:05hrs. Officers entered the venue and spoke with Mr TURKMANI informing him of the breach and he simply stated he felt he didn't need door staff.</p> <p><u>Operating outside of licensable hours, Saturday 25th MAY 2013 @ 02:03-02:20hrs</u></p> <p>At 02:03hrs Police noticed the premises still had its lights on and was trading. The door supervisor stood outside with customers sitting inside. At 02:06 hours police observed a male walk into the venue, approach the counter and appear to order food. Police entered and spoke to staff. Police asked a member of staff what time they closed. The staff member informed them it was 02:30 hours. Police asked staff what time they served till and were told 02.15 hours. Pc ARMOUR asked to see the licence. The manager then stated they were closing in the next ten minutes and that they stopped serving at 02.00 hours. As this conversation was finishing, police witnessed a staff member serve food to</p>

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		<p>the customer who entered after 02.00 hours. Pc ARMOUR informed the manager that he would be reported to the licensing authority for his breach of licensable hours.</p> <p>** POINT OF NOTE **</p> <p>In all of the six examples shown above the offending times are after midnight. Police submit that this is the critical time for potential issues to take place. Victims become even more vulnerable due to intoxication. Offenders become even more violent due to intoxication. Romford town centre needs a quick dispersal zone when pubs, clubs and other venues close - not a venue that attracts people to meet, keep warm, socialise and stay longer which only increases the chances of crime and disorder and offences against public safety and public nuisance. This premises, by the nature of the examples above has shown it cannot operate without such incidents taking place.</p> <p>Further to the above observation, police have received numerous calls to the immediate locality and to the premises of A1 mini cabs adjoining Hot & Tasty. It is impossible to ascertain if these premises were involved in all these incidents as callers / victims had left prior to police arrival. Two further CADS have been logged solely against the premises address -</p> <p><u>Monday 22th JULY 2013 @ 0044hrs CAD KD416</u></p> <p>Police called by a staff member requesting assistance. Immediate response vehicle dispatched.</p> <p><u>Sunday 28th APRIL 2013 @ 2345hrs CAD KD9473</u></p> <p>Police called. Assistance requested at location. Station Van dispatched.</p> <p>In May the venue applied for extensions to its licensing hours to 05:00hrs on a Thursday - Saturday, and 03:00hrs on a Monday- Wednesday and 02:00hrs on a Sunday. Police</p>
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		<p>made objections, showing their fears for safety. The Police argument was accepted by the Sub-Committee at a subsequent hearing on the 8th July and the application was refused. No further hours of trading were approved or authorised.</p> <p>Police believe the majority of Hot & Tasty’s customer base is under the influence of alcohol to different degrees. The potential for violence is often felt throughout the night. The venue’s clientele is loud, jovial, boisterous and in the examples shown above sometimes violent. SIA door staff have proven to be an effective tool in the battle against crime and disorder along with aiding public safety. Police encourage the use of such staff during the hours of late night refreshment. Without these personnel present, the risk to public safety will dramatically increase as will the burden on staff to enforce their current licensing condition in respect of capacity. Police therefore recommend that an SIA badge-holder should be on duty when the premises trade within its late night refreshment hours i.e. 23.00 until close.</p> <p>Police have serious concerns in relation to the amount of times CCTV recordings have not been available to view or indeed, the facility to download and seize for evidence. It appears that staff members continue to clear and clean the premises prior to police arrival which in turn has an impact on loss of evidence. They have been advised about this on several occasions.</p> <p>Police also have concerns in relation to Public Nuisance and Public Safety from a littering point of view. On all night-time occasions when police patrol the area, it is clear to see litter which has come from the venue. This includes take-away packaging, chips and chicken bones thrown carelessly around the transport hub. Not only are these chicken bones a health risk, they are also a danger as an intoxicated person might slip on greasy, discarded items such as these. The litter is a constant eyesore for residents and visitors alike. It is not cleaned away by the venue and is traditionally still present on a Saturday and Sunday morning when shoppers enter the area, giving an untidy and false impression of Romford</p>

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		<p>town centre. This is also a clear, continuous breach of condition five of the premises licence.</p> <p>In conclusion police respectfully request that consideration be made to the following recommendations.</p> <ul style="list-style-type: none"> • A reduction in trading hours for Late Night Refreshment to 00.30hrs Monday - Saturday in line with local authority policy 012 “Regulated activities will normally be permitted until 00.30am in mixed use areas” (Crime statistics support a reduction to 00.30am) • A member of staff able to operate, download CCTV footage MUST be on duty at all times the premises is open for business. Staff MUST assist the police and the Local Authority in their enquires. • A maximum capacity of TEN persons (not including staff members) inside the venue at any one time during the hours of 2300 until close. • An SIA badge holder should be on duty where the premises trades within its late-night refreshment hours i.e. 23.00 until close Fri and Saturday. (Currently midnight onwards). • The premises should remove seats and tables from in front of the counter area to deter lengthy stays after 23.00hrs which would assist with dispersal. <p>Mr Colin Turner, legal representative on behalf of Mr Turkmani, asked PC Rose about the dates of some of the events presented in his evidence. He enquired whether PC Rose was aware that his clients did not own the premises until 21 March 2013 and therefore the incidents on 17 February and 16 March 2013 had nothing to do with his clients. PC Rose</p>

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		<p>accepted that, but argued that the issues concerned the premises irrespective of the proprietor at the time. Mr Turner disagreed saying that liability for previous problems could not be transferred to new owners.</p> <p>Mr Turner then reminded those present that action to close the premises was taken on Saturday 4 May 2013 and was considered by magistrates on Tuesday 7 May (Monday being a Bank Holiday). At that hearing, the magistrates chose not to exercise their discretionary powers to confirm or extend the closure and, had the bureaucratic process flowed smoothly, this review hearing would have taken place sometime in June. The point he was making was that those incidents presented by the Police which occurred after mid-June should – by rights – be ignored as the review would have only had the incidents on 25th May and 5th June at best, before it. Again, PC Rose disagreed, holding instead that that view was unrealistic and was not borne out by reality. The court had delayed (considerably) in notifying the borough of its decision (indeed, active enquiries had to be made in order to retrieve the decision). In the mean-time, the new owners had not changed the way in which they operated their business and despite frequent Police intervention, allowed breaches of the peace to continue and disregarded the conditions of their licence to the detriment of the locality and potential danger for those using the transport facilities outside the premises.</p> <p>Mr Turner reminded those present that Hot & Tasty Chicken was not trading in isolation and that within a small radius of the premises, there were several establishments also providing late-night refreshment (some being open far longer than his clients) and trouble could not be solely attributed to his clients' premises.</p> <p>PC Rose answered that the Police had received calls from staff working at the premises and from others who identified the premises specifically.</p> <p>Mr Turner summarised by saying that his clients had shown that they were trying to comply</p>

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		<p>with the Police requirements. The CCTV system had been fully overhauled and extended. Staff were trained to operate it and the Police and Licensing Officers would be able to obtain information on reasonable demand. PC Rose reminded Mr Turner that it had taken some 34 hours on one occasion before CCTV data was provided and that on another occasion, no information had been forthcoming at all because staff did not know how to operate the equipment. Mr Turner pointed out that on the occasion when there was delay, the information was not deliberately withheld and was provided and regarding the other incident, that was in the past and would not happen again in the future.</p> <p>Havering’s Licensing Authority:</p> <p>With regards to the above Arthur Hunt confirmed that the Licensing Authority wished to make a representation to be considered by the Licensing Sub-Committee concerning breaches of the following Licensing Objectives:</p> <p>Crime and Disorder: There has been a failure to comply with conditions on the Premises Licence and assaults reported at the premises and</p> <p>Public Safety: The premises has operated without Door Supervisors as required by their premises licence.</p> <p>Crime and Disorder</p> <p>Police have had reports of assaults on:-</p> <p>17 February 2013 at 12.30am – Grievous Bodily Harm. A male received a fractured skull and had surgery to remove a blood clot at the premises. Police attended to investigate the matter and the premises had been cleaned and a denial that the assault had taken place. The CCTV was requested and to date has still not been provided.</p>

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		<p>5 June 2013 at 01.40am - Actual Bodily Harm. A male and female were assaulted by the same assailant in the premise. This spilled out onto the footway outside in the transport hub. The suspect was arrested. It took some 34 hours for the CCTV images to be produced.</p> <p>Police have also dealt with other matters at the premises:-</p> <p>16th March 2013 at 12.05am. Police intervened in an argument between staff and a group of males in the premises. One from the group of males was eventually arrested for a public order offence with his behaviour being observed by approximately thirty members of the public.</p> <p>4th May 2013 at 12.30am. This was when the Police became sufficiently concerned about the premises to utilise their powers under section 161 Licensing Act 2003 to close it.</p> <p>Public Safety</p> <p>Havering’s licensing policy 015 states that consideration should be given to the reviewed premise compliance history. Licensing policy 015 states:</p> <p><i>In considering applications for new licences or variations to existing licences and licence reviews following the receipt of relevant representations, the LLA will take the matters listed below into account. These criteria will apply in different ways to different types of premises and licensable activities in the following order:</i></p> <ul style="list-style-type: none"> • <i>the location of the premises and character of the area</i> • <i>the views of responsible authorities</i> • <i>the views of interested parties</i> • <i>past compliance history of current management</i> • <i>the proposed hours of operation</i>

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		<p>Annex 2 of the premises licence contains the following condition: <i>The CCTV system shall be in operation at the premises at all times when the premises are used for licensable activities. Recorded tapes shall be kept for 28 days and be available for inspection by police and Council officers at all reasonable times.</i></p> <p>When police attended as a result of the aforementioned assault on the 17 February staff were unable to operate the system. To date no CCTV images have been supplied to the police.</p> <p>When police attended the premises as a result of the 6 June assault, the licence holder, Mr Hayadulla Turkmani and his manager Mr Ashmatullah Turkmani were unable to operate the CCTV system. They had to receive training from another member of staff. Police were only able to obtain the CCTV images some 34 hours after the event.</p> <p>Annex 2 condition 2 of the premises licence states: <i>Premises shall have a door supervisor on Friday and Saturday after midnight</i></p> <p>28th April 2013 from 12.05am – 12.15am – Licensing officers observed that there were no door staff in place. Mr Turkmani was spoken to on the night and informed that the requirement for door staff was a condition of his licence. If he continued to operate without SIA door staff in place he would be in breach of his premises licence. He replied that he didn't think that he needed them.</p> <p>4th May 2013 at 12.30am – When police exercised their powers to close the premises there were - once again - no SIA door staff on duty. This was a contributing factor in the decision of the police to close the premises.</p> <p>25 May 2013 between 02.03am and 02.20am - Police observed the premises operating passed their terminal hour of 02.00am. Staff were warned by the Police.</p>
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		<p>Havering's Licensing Policy 014 states:-</p> <p><i>Where relevant representations are received from responsible authorities and/or interested parties, the LLA may seek to restrict the operational hours of premises where this is necessary to promote the licensing objectives. The LLA may impose further limitations in hours upon review of the licence, particularly where the premises is shown to be the focus or cause of nuisance or anti-social behaviour.</i></p> <p>The Police have detailed in their representations that the incidents all appear to happen after midnight. It may therefore be appropriate - in line with Havering Policy 012 - to reduce the premises hours to at least 00:30 because of the mixed residential/commercial use of the area.</p> <p>As the premise is situated within the ring road, Licensing Policy 18 states:-</p> <p><i>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 the regard to licensing policy 012</i></p> <p>The policy goes further at Para 4.21:-</p> <p><i>Existing premises licences that have a negative impact on the licensing objectives contribute to cumulative impact and this may be reduced if appropriate steps are taken on reviews of individual licences that are creating particular problems.</i></p> <p>This premises, by the history detailed by the Police, has had a negative impact on the licensing objectives. There has been a history of violence and anti-social behaviour related to the premises. Also there has been more than one incident of non-compliance with the current premises licence. This non-compliance has also attracted complaints from other</p>

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		<p>premises within the locality, who detail a loss of business due to the premises remaining open past its terminal hour. It also holds a prime position within the transport hub in South Street and any incident could therefore have a detrimental effect on late night transport facilities</p> <p>Paragraph 4.23 states:</p> <p><i>Taking revised Guidance into account, and also the continued existence of some serious problems of nuisance in the Stress Area, the Licensing Authority may, in determining reviews of individual premises licences in a Stress Area, take into account the fact that the premises are in an area of special policies on cumulative impact, when considering what steps are appropriate to take to promote the licensing objectives. The fact that premises are in an area where special policies on cumulative impact apply cannot of itself be the grounds for revoking a licence on review. However, in deciding what steps it should take to promote the licensing objectives, the Licensing Authority will take into account the effect the premises licence and its operation have on the licensing objectives, within the context of the underlying reasons for the designation of the area as one where for special policies on cumulative impact will apply.</i></p> <p>In addition to the conditions requested by the Police (above) the Licensing Authority asked for the following conditions to be added to the licence:</p> <ul style="list-style-type: none"> • All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests. • A Premises Daily Register shall be kept at the premises. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day. • The Premises Daily Register shall be readily available for inspection by an

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		<p>Authorised Person or Police throughout the trading hours of the premises.</p> <ul style="list-style-type: none"> The Premises Daily Register shall also record details of any SIA door staff employed at the premises including their home address. Further, all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved. <p>Mr Turner asked Mr Hunt about the matter of public safety, drawing the Sub-Committee's attention to the completed details in section C in which only the "crime and disorder" box was checked. Mr Hunt accepted he had only checked that box as that was what the Police action involved. Mr Turner questioned whether references to public disorder ought, therefore to be considered.</p> <p>Response of the Applicant</p> <p>Mr Turner stated that he preferred for Mr Turkmani to firstly address the Sub-Committee direct, and Mr Turkmani said that he and his brother apologised for the initial problems which had arisen when they took over the premises and the trouble they had caused, but he had taken control of the situation, listened to the Police and changed the CCTV and ensured staff were available who could operate it, made changes in the way the premises operated – a glass screen had been installed at the counter to minimise any problems with members of the public – and door supervisors were now employed in accordance with the licence – though he accepted that he had told the Police. In addition, he was willing to apply all the changes suggested by the Police and Licensing, even though, Mr Turner observed, removing tables and chairs from in front of the counter appeared at odds with a requirement that the maximum number of patrons on the premises was not to exceed ten at any one time.</p> <p>Mr Turkmani advised that he was present at the premises on 4 May 2013 when the</p>
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		<p>the Sub-Committee pressed him on the matter he said: “Not officially worked there, but did visit/inspect prior to buying” explaining that he and his brother had – as would be expected in any business arrangement – visited the premises and spoken with the owner a few of times before buying it. He denied having any responsibility for the incidents prior to his taking over the business on 20 March.</p> <p>In summary, the Police re-stated their concerns not only about the matter of the operation of the CCTV but reiterated that their view was that crime and disorder was associated with the premises, irrespective of who owned it and the premises was located at a very sensitive spot at the heart of Romford’s dispersal hub and any major incident which involved that location being closed to the public would have serious implications for those trying to get home.</p> <p>Mr Turner reminded the Sub-Committee that there had been unreasonable delay in bringing this review; that his client accepted that he had not acted wisely in serving food late (though there was some question about that) and in not employing a door supervisor) but he had apologised for that. In addition, he had complied with recommendations from the Police and Licensing Service in updating his CCTV and ensuring staff knew how to operate it. In addition, his client now employed SIA approved door supervisors and had put other measures in place (the glass screen at the counter to reduce potential trouble being an example) to ensure that he was seen to operate a responsible business and, in addition, he was willing to accept all the recommendations made by the Police and the Licensing Service other than the reduction in hours.</p> <p>His client had also stated that some 40% of his profit was earned after midnight and so any change to his closing times would have a serious impact on the viability of his business.</p> <p>5. Determination of Application</p>

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		<p>Consequent upon the hearing held on 16 October 2013, the Sub-Committee’s decision regarding the review of a premises license for Hot & Tasty Chicken, 140 South Street Romford is set out below, for the reasons shown:</p> <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 of the First Protocol of the Human Rights Act 1998.</p> <p>Decision:</p> <p>The Sub-Committee stated that the issue of crime and disorder as detailed by the Police was in part a problem for the area in which the premises was located. There were, however, a number of incidents which related directly to the premises which had been evidenced. The situation had been exacerbated by the failure to adhere to the conditions of the licence – in particular, the failure of the owners to have a door supervisor in place, the presence of whom may well have minimised – or prevented – those incidents occurring.</p> <p>The Sub-Committee added that it considered it appropriate – for the promotion of the Crime and Disorder Licensing objective – to modify the licensing conditions by adding all of those requested by the Police and Licensing Service, most of which had been accepted. The</p>

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		<p>limitation of hours are appropriate because of the incidents of crime and disorder in the area and recorded at the premises predominantly occurred between the hours of midnight and 2.00am.</p> <p>The modifications to the premises licence are as follows:</p> <ul style="list-style-type: none"> • A reduction in trading hours for Late Night Refreshment to 00.30hrs Monday - Saturday • A member of staff being able to operate the CCTV equipment must be on duty at all times the premises at all times when the premises are used for licensable activities. • Capacity of 10 persons (Non Staff) inside the venue at any one time during the hours of 2300 until close. • SIA badge holder shall be on duty where the premises trade within their late night refreshment hours i.e. 23.00 until close • Removal of seats and tables from front of counter area after 23.00 hrs. • All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests. • A Premises Daily Register shall be kept at the premises. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day. • The Premises Daily Register shall be readily available for inspection by an Authorised Person or Police throughout the trading hours of the premises. • The Premises Daily Register shall also record details of any SIA door staff employed at the premises including their home address. Further, all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.

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		<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. <p>Grant Söderberg Clerk to the Licensing Sub-Committee</p>