

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 15 July 2015

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	REPORT OF THE LICENSING OFFICER	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES The Alderman Public House Chippenham Road Romford RM3 8HX</p> <p>APPLICANT Cubitt Taverns Ltd The Alderman Public House Chippenham Road Romford RM3 8HX</p> <p>1. Details of Application</p> <p>The Alderman public house is a detached property set on its own plot, a short distance from the Farnham Road shopping area. The vicinity in which it is located is predominately residential.</p> <p>The application for a premises licence was submitted by Cubitt Taverns Ltd under section 17 of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 21st May 2015.</p>
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		<p>At the hearing the sub-committee was informed that the details of Premises Licence was:</p> <p>Films, indoor sporting events, recorded music and supply of alcohol</p> <p>Monday – Sunday 10:00 – 23:30</p> <p>Hour’s premises open to the public</p> <p>Monday –Sunday 10:00 – 00:00</p> <p>Non-standard timings – Christmas Eve, patron saints days and Burns Night</p> <p>If Monday to Saturday 10:00 – 02:00 If Sunday 11:00 – 02:00</p> <p>2. Grounds of Objection</p> <p>There was one representation made by an Interested Party. The interested person’s representation against the application highlighted concerns with all four licensable activities.</p> <p>3. Details of Representations</p> <p>Licensing Officer Paul Jones presented his report - He stated that the applicant acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulation 2005 relation to the advertising of the application</p> <p>Mr Jones added that there was currently a premises licence in force at the site. This licence</p>

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		<p>was subject to an expedited review application in April 2014. The outcome of the review application was a series of modifications to the licence conditions. This application may therefore have been seen as a variation to the extant licence.</p> <p>4. Applicant’s response.</p> <p>Mr S Thomas, the representative of the applicant addressed the sub-committee. He stated that the Alderman was a two bar community public house. There had been an incident in April 2014, however Mr Cubitt, the DPS, had worked closely with the Police to bring about improvements.</p> <p>These improvements included the internal training of staff which could be modified at any point in time, the removal of Condition 31 (No live music shall be played at the premises) following deregulation and ensuring that Mr Cubitt was at the premises for a period of time as the DPS. Mr Thomas confirmed that Mr Cubitt resides at the premise.</p> <p>As part of his representations, Mr Thomas read out Mr Peter Moore’s letter of support dated 11 June 2015 to the Sub-Committee. The Sub-Committee was informed that Mr Moore was present at the hearing. The reason for the new licence was purely due to a change in law and to ensure that the conditions were consistent. The law had changed regarding regulated entertainment. They had Challenge 25. Mr Thomas informed the Sub-Committee that as a result of the mediation with the police, previous conditions that had been imposed regarding door staff had been changed to reflect the financial costs of hiring door staff to a small community pub as that run by Mr Cubitt so that; he is not penalised and the community does not lose out. The Sub-Committee was informed that the cost was £150 per night for 2 door staff and this doubled on bank holidays.</p> <p>The interested person objecting to the application was not present at the hearing. Mr Thomas</p>

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		<p>informed the Sub-Committee that he could deal with the representations and knows when the interested person moved into the area.</p> <p>Mr Thomas informed the Sub-Committee that the interested person moved into the area after April 2014. The interested person chose to move close to a pub. Mr Thomas informed the Sub-Committee that many of the incidents referred to in the objection did not relate to the pub and where it related to the pub, it is wrong and the objection was not sustainable. Mr Thomas informed the Sub-Committee that he could deal with each matter raised by the interested person but was mindful that he had a limit of time to make his representations.</p> <p>The Chair of the Sub-Committee did not consider it necessary for Mr Thomas to do this and was concerned that it could be perceived to be unfair or one-sided to hear oral representations in reply to the written objections without a further right to reply being given to the interested person.</p> <p>Mr Thomas informed the Sub-Committee that the interested person was invited to attend the hearing and, as she had not accepted the invitation to attend, the hearing had to proceed without her present as if it had been an appearance in a magistrates court. The Chair of the Sub-Committee acknowledged the absence of the interested person and how the representations were to be considered.</p> <p>Mr Thomas informed the Sub-Committee that he made the representations to inform the Sub-Committee that they have a couple of answers to each and every objection if they had to deal with them. There had been no breach of the licensing objectives. As the interested party was not present to contest their representations, the Sub-Committee has to rely on what they say and evidence to support it.</p> <p>During the course of the hearing, the Sub-Committee noted that there were some differences in the numbering of conditions in the submitted application, the email correspondence from the</p>

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		<p>applicant’s representative and the conditions contained in a letter dated 18 June 2015 submitted to the Licensing Authority by the Metropolitan Police. The Sub-Committee had reconciled these differences. Mr Thomas acknowledged the discrepancies and it was agreed that the conditions were otherwise, identical.</p> <p>The Sub-Committee invited Mr Thomas to give an example of the circumstances in which he thought the police could invoke condition 23 on page 12 Mr Thomas informed the committee that he expected the condition to be invoked where there was a criminal related, incident or if there was a deterioration of the management of the premises.</p> <p>5. Determination of Application</p> <p>Consequent upon the hearing held on 15 July 2015, the Sub-Committee’s decision regarding the application for a Premises Licence for The Alderman Public House is as set out below, for the reasons stated:</p> <p>The Sub-Committee was obliged to determine these applications with a view to promoting the licensing objectives.</p> <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 section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.</p>

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		<p>6. Decision</p> <p>Having considered the oral and written submissions from all parties in relation to the application, the decision of the Sub-Committee is to Allow the application with the following conditions in addition to all mandatory conditions.</p> <ol style="list-style-type: none"> 1. In addition to the use of temporary event notices allowed under the Licensing Act 2003 the premises may open on Christmas Eve, patron saints days and Burns Night until 0200 hours the following day for licensable activities in line with the association of chief police officers guidelines subject to a minimum of 10 working day's notice being given to the licensing authority and Metropolitan Police for each occasion. The prior written consent of the police is to be obtained and the police shall have the absolute right to refuse any occasion. A register shall be kept at the premises available for any occasion. A register shall be kept at the premises available for inspection by the police or an authorised officer of the licensing authority and details of each occasion shall be recorded in it including the written consent of the police. 2. The Designated Premises Supervisor shall participate in the local pub watch scheme for the area where the premises is situated where active. 3. The licensee shall maintain a policy of zero tolerance to the use of illegal drugs ensuring staff are aware of and react to the policy, by recording each incident in the incident book and reporting facts to the appropriate authority. 4. A Premises Daily Register shall be kept at the premises. This register shall be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premises on each given day. The premises daily register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise nuisance or antisocial behaviour by persons attending or leaving the premises.
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		<p>They shall record the details of the caller, the time and date of the call, the time and date of the incident about which the call is made and any actions taken to deal with the call. The premises daily register shall be readily available for inspection by an authorised person throughout the trading hours of the premises. The premises daily register shall also record 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, the name or brief description of the persons removed and details of the staff members involved.</p> <p>5. The Premises 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 licenced premises which shall be delivered to all staff.</p> <p>6. The Premises Licence Holder shall implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours both residential and business and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the licensing authority.</p> <p>7. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as “identification standard” of all persons entering and/or leaving the premises. All other areas of risk identified in the operational requirement shall have coverage appropriate to the risk.</p> <p>8. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises shall be asked to remove headwear unless</p>
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		<p>worn as part of a religious observance.</p> <p>9. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of 1 calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required shall be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises are open for any licensable activity.</p> <p>10. The installation or upgrading of any CCTV system shall comply with the current best practice. In addition the documentation listed below shall be included in a “system file” which should be readily available for inspection but a relevant authority.</p> <ul style="list-style-type: none"> • Site plan showing position of cameras and their field of view. • Code of practice. • Performance specification e.g. storage capacity, image file size, IP camera and purpose of each camera position. • Operational requirement. • Incident log. • Maintenance records including weekly visual checks. <p>11. The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the “system” file. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the licensing authority.</p>

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		<p>12. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member shall be able to show police recent data or footage with the absolute minimum of delay when requested.</p> <p>13. Whenever the premises remain open after 2100 hours, 3 door staff shall be retained at the premises and remain on duty until 30 minutes after the close of the premises.</p> <p>14. If requested in writing by any member of the police licensing team or section the premises will engage 3 door staff if the premises are to remain open after 19.00 hours and shall be retained at the premises and remain on duty until 30 minutes after the close of the premises.</p> <p>15. In the event of the police exercising the right set out in condition 14 then where licensable activities cease at 1900 hours a period of 30 minutes is permitted as “drinking up” time and the premises closes by 1930 then no door staff are required.</p> <p>16. In the event of the police exercising their rights under condition 14 then 2 door staff shall be retained from 1400 until 1900 on all bank holidays and from 1900 until 30 minutes after closing 3 door staff shall be retained.</p> <p>17. An approved written search policy shall be adopted by the premises and supplied to the Local Authority and Metropolitan Police Licensing Departments.</p> <p>18. All door supervisors shall enter their full details in the premises daily register at the commencement of work. This shall record their full name, home address, contact telephone number, full SIA registration number and the time they commenced work. If the door supervisors are supplied by an agency, details of that agency shall be recorded including</p>

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		<p>the name of the agency, the registered business address and contact telephone number.</p> <p>19. All door supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear high visibility clothing.</p> <p>20. Drinks shall be served in containers made of toughened glass</p> <p>21. All drinks from glass bottles shall be decanted into toughened glass.</p> <p>22. All staff shall be suitably trained for their job function for the premises. The training shall be written into an ongoing programme and constantly reviewed. Details must be made available to a responsible authority on request.</p> <p>23. All staff shall be trained to deal with persons who are incapacitated through the use of drugs and/or alcohol.</p> <p>24. Mr James Cubitt shall be resident at the premises and shall notify the Metropolitan Police if he is required to be absent from the premises for a period of 4 days or more.</p> <p>25. Regular checks and maintenance shall be carried out on all equipment, electrical installations, emergency lighting and fire alarms to ensure compliance with current British Standards.</p> <p>26. There shall be regular checks of the outside of the premises.</p> <p>27. Regular checks and maintenance shall be carried out on all ventilation, extraction systems and filters to ensure that smells or odours or noise caused in connection with a licenced activity shall be perceptible at or within the site boundary of any residential property.</p>

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		<p>28. Signs shall be displayed at the premises and its frontage instructing patrons to recognise the residential nature of the area and conduct their behaviour in a courteous manner with a notice clearly visible from outside the premises showing the telephone number where to make complaints.</p> <p>29. Any complaints received from neighbours shall be thoroughly investigated</p> <p>30. The DPS or Manager on duty shall undertake external patrols to monitor noise levels.</p> <p>31. A noise limiter shall be installed and a level set by agreement with Havering's Environmental Health Department.</p> <p>32. When recorded music is played there shall be no ingress or egress through the door into the car park.</p> <p>33. A glass bolt shall be fitted to the fire exit doors.</p> <p>34. The unused ventilation fan shall be blocked in.</p> <p>35. Children shall only be allowed in the seating area of the public bar until 1900 hours and must be supervised by an adult at all times.</p> <p>36. The Premises Licence Holder shall not permit or supply alcohol to persons who appear under age without confirming they are over that age applicable for the beverage supplied by inspecting a recognised form of photographic identification.</p> <p>37. Challenge 25 shall be introduced and notices put on display.</p>

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		<p>38. A separate incident book shall be kept to record underage issues/refusals.</p> <p>7. 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>Wendy Gough Clerk to the Licensing Sub-Committee</p>
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