

**Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 3 September 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**

|                        |   |  |                        |
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| <p><b>A1</b></p>       | <p>APPLICATION FOR A NEW PREMISES LICENCE FOR CIRCUIT, 36-38 NORTH STREET, ROMFORD, RM1 1BH</p> | <p align="right"><b>Licensing Act 2003<br/>Notice of Decision</b></p> <p><b>PREMISES</b><br/>Circuit,<br/>36-38 North Street,<br/>Romford, RM1 1BH</p> <p><b>DETAILS OF APPLICATION</b></p> <p>This application for a premises licence was made by Buddha RT Ltd under section 17 of the Licensing Act 2003 (“the Act”).</p> <p><b>APPLICANT</b><br/>Buddha RT Ltd,<br/>PO Box 2944,<br/>Romford. RM7 1QF</p> <p><b>1. Details of requested licensable activities</b></p> <p>This application was for a new premises licence. During the first meeting the details of the application were amended in consultation with the Metropolitan Police. The revised hours of operation were as set out below:</p> <p><b>Details of the application (as amended)</b></p> <table border="1" data-bbox="840 1380 1975 1420"> <tr> <td><b>Sale of Alcohol</b></td> </tr> </table> | <b>Sale of Alcohol</b> |
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|  |  | <ul style="list-style-type: none"> <li>• On the trading day on which the clocks go forward (i.e. the start of British Summer Time) permitted hours may be extended for an additional hour;</li> <li>• The permitted hours may be extended until 04:00 on any day immediately preceding a bank holiday; and</li> <li>• The permitted hours may be extended until 05:00 on Christmas Eve and Boxing Day.</li> </ul> <p><b>3. Promotion of the Licensing Objectives</b></p> <p>The applicant acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 relating to the advertising of the application. The required public notice was installed in the 19 June edition of the Romford Recorder.</p> <p><b>4. Details of Representations</b></p> <p>Valid representations may only address the four licensing objectives.</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p><b>Interested Party representations</b></p> <p>There were eight representations made against the application from interested parties.</p> |
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|                |       | <p>These representations indicated concerns in relation to each of the licensing objectives. The representations refer to identical concerns for the security of their homes, the behaviour of the clientele of the premises, public nuisance through noise and public urination, public safety and protection of children from harm. None of those submitting representations attended the meeting.</p> <p><b>Responsible authorities’ representations</b></p> <p><b>Chief Officer of Metropolitan Police (“the Police”):</b></p> <p>The Metropolitan Police had made an objection because they believed that granting the premises licence would have a detrimental effect against promoting at least two of the four licensing objectives, namely: -</p> <ol style="list-style-type: none"> <li>1. Prevention of Crime;</li> <li>2. Prevention of public nuisance.</li> </ol> <p>Prior to the first meeting, which was held on 3<sup>rd</sup> August 2015, notice was received that the Metropolitan Police intended to withdraw their representation following negotiations with the applicant as to the appropriate conditions to be attached if the licence was granted.</p> <p>On 3<sup>rd</sup> August, 2015 P. C. Goodwin had formally confirmed that the Metropolitan Police were withdrawing their representations.</p> |

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|  |  | <p><b>Planning Control &amp; Enforcement:</b> None</p> <p><b>Licensing Authority:</b> The Licensing Authority had made representations against the application based upon their concerns in relation to the prevention of crime and disorder, public protection, the prevention of public nuisance and the protection of children from harm.</p> <p>Home Office Guidance stated that:</p> <ul style="list-style-type: none"> <li>• Section 8.33 – the applicant is expected to have regard to Havering’s Statement of Licensing Policy;</li> <li>• Section 8.34 – the applicant must show an understanding of the local area, including crime hot spots;</li> <li>• Section 8.35 – the applicant must show he is aware of the potential risks and specific policies, in this case the cumulative impact policy; and</li> <li>• Section 8.35 – the applicant should be aware of the locality and the premises close proximity to residential properties.</li> </ul> <p>The Licensing Authority contend that as a new premises licence application the hours being applied for would create a public nuisance for residents who lived nearby by either the music from the venue or the customers leaving. Havering’s Policy for a mixed use area is a finish time of 00:30 to help prevent such nuisance.</p> <p>Within the Romford Ring Road was identified as a cumulative impact area. It was the 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 number 012. This application failed to address and give good reason as to why the licence should be granted outside of this policy.</p> |
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|  |  | <p>If this application was to replace the existing licence it did raise concerns as a number of conditions on the existing licence were not covered in the new application.</p> <p>The Licencing Authority in answer to a question from the Chairman had advised that the majority of the original conditions not covered by the revised conditions had been omitted because they were now covered by other legislation. Of the others:</p> <ul style="list-style-type: none"> <li>• No. 6 had been superseded by the inclusion of a condition requiring the use of an ID scanner;</li> <li>• No. 33 – the Havering Drug and Alcohol Action Team was no longer available;</li> <li>• No. 34 – This was no longer required as the Metropolitan Police had sufficient powers to carry this out;</li> <li>• No. 39 – This was not appropriate and would contradict other legislation;</li> <li>• No.70 – was now superfluous.</li> </ul> <p>The Licencing Authority had therefore indicated that if the application was granted they would be happy with the revised conditions.</p> <p><b>Public Protection:</b> None</p> <p><b>London Fire &amp; Emergency Planning Authority (“LFEPA”):</b> None</p> <p><b>Health &amp; Safety Enforcing Authority:</b> None.</p> <p><b>Public Health:</b> None</p> <p><b>Children &amp; Families Service:</b> None</p> |
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|                |       | <p><b>The Magistrates Court:</b> None</p> <p><b>5. Applicant’s response</b></p> <p>Mr Dadds, Solicitor on behalf of the applicants reiterated his undertaking that if the application was approved and no appeal lodged within 21 days the current permission would be surrendered.</p> <p>In answer to questions from the Chairman, Mr Dadds confirmed that the hours as set out above had been agreed with the Metropolitan Police and were the hours which his client wished to operate. He further confirmed that his client was seeking approval to the non-standard timings.</p> <p>The conditions which he had agreed with the Metropolitan Police were the conditions his client was content with.</p> <p><b>6. Determination of Application</b></p> <p><b>Decision</b></p> <p><b>Consequent upon the hearing held on 3 August and 3 September 2015, the Sub-Committee’s decision regarding the application for a Premises Licence for Circuit, 36-38 North Street, Romford was as follows:</b></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"> <li>• The prevention of crime and disorder</li> </ul> |

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|  |       | <ul style="list-style-type: none"> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <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>The Sub-Committee having heard from the Licencing Authority that they were content with the 20 conditions agreed between the applicants and the Metropolitan Police have <b>AGREED</b> to grant the application subject to the following:</p> <p>1. Opening hours as set out below:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th align="center" colspan="3"><b>Sale of Alcohol</b></th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday and Tuesday</td> <td align="center">11:00</td> <td align="center">00:00</td> </tr> <tr> <td>Wednesday and Thursday</td> <td align="center">11:00</td> <td align="center">01:00</td> </tr> <tr> <td>Friday and Saturday</td> <td align="center">11:00</td> <td align="center">03:45</td> </tr> <tr> <td>Sunday</td> <td align="center">11:00</td> <td align="center">00:30</td> </tr> </tbody> </table><br><table border="1" style="margin-left: 40px;"> <thead> <tr> <th align="center" colspan="3"><b>Other licensable activities (Films, Live Music, Recorded Music, Dance, Similar activities, late night refreshments)</b></th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday and Tuesday</td> <td align="center">11:00</td> <td align="center">00:00</td> </tr> </tbody> </table> | <b>Sale of Alcohol</b> |  |  | Day | Start | Finish | Monday and Tuesday | 11:00 | 00:00 | Wednesday and Thursday | 11:00 | 01:00 | Friday and Saturday | 11:00 | 03:45 | Sunday | 11:00 | 00:30 | <b>Other licensable activities (Films, Live Music, Recorded Music, Dance, Similar activities, late night refreshments)</b> |  |  | Day | Start | Finish | Monday and Tuesday | 11:00 | 00:00 |
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| Friday and Saturday    | 11:00 | 04:00  |                        |       |       |                     |       |       |        |       |       |               |  |  |     |       |        |                    |       |       |                        |       |       |                     |       |       |        |       |       |
| Sunday                 | 11:00 | 01:30  |                        |       |       |                     |       |       |        |       |       |               |  |  |     |       |        |                    |       |       |                        |       |       |                     |       |       |        |       |       |
| Opening Hours          |       |  |                        |       |       |                     |       |       |        |       |       |               |  |  |     |       |        |                    |       |       |                        |       |       |                     |       |       |        |       |       |
| Day                    | Start | Finish   |                        |       |       |                     |       |       |        |       |       |               |  |  |     |       |        |                    |       |       |                        |       |       |                     |       |       |        |       |       |
| Monday and Tuesday     | 11:00 | 00:15  |                        |       |       |                     |       |       |        |       |       |               |  |  |     |       |        |                    |       |       |                        |       |       |                     |       |       |        |       |       |
| Wednesday and Thursday | 11:00 | 02:00  |                        |       |       |                     |       |       |        |       |       |               |  |  |     |       |        |                    |       |       |                        |       |       |                     |       |       |        |       |       |
| Friday and Saturday    | 11:00 | 04:15  |                        |       |       |                     |       |       |        |       |       |               |  |  |     |       |        |                    |       |       |                        |       |       |                     |       |       |        |       |       |
| Sunday                 | 11:00 | 01:30  |                        |       |       |                     |       |       |        |       |       |               |  |  |     |       |        |                    |       |       |                        |       |       |                     |       |       |        |       |       |

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| Agenda Item No | Topic | Decision  |
|----------------|-------|---|
|                |       | <p>licence holder may be nominated to fulfil the DPS's role on a temporary basis).</p> <ol style="list-style-type: none"> <li>2. The Premises Licence Holder shall ensure that intoxicating liquor shall not be sold or supplied prior to 19:00 hours other than to persons attending a bona fide pre-booked function involving, on the whole, the provision of substantial refreshments and/or music and dancing.</li> <li>3. The Premises Licence Holder shall ensure that no customers carrying open bottles upon entry shall be admitted to the premises at any time the premises are open to the public.</li> <li>4. The Premises Licence Holder shall ensure that alcoholic and other drinks shall not be removed from the premises in open containers, save for consumption in any external area provided for that purpose.</li> <li>5. The Premises Licence Holder shall ensure that all drinking vessel used at the premises shall be either toughened glass or made of polycarbonate and, as far as possible, used vessels shall be collected on a basis whereby areas are kept clear of these items.</li> <li>6. The Premises Licence Holder shall ensure that where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly. A notice visible from outside shall provide a telephone number where complaints may be made.</li> <li>7. The Premises Licence Holder shall ensure that noise or vibrations shall not emanate for the premises, which could cause a nuisance to nearby premises. Except for ingress and egress through the entrance, the inner lobby doors and windows shall be</li> </ol> |

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| Agenda Item No | Topic | Decision  |
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|                |       | <p>kept closed whilst regulated entertainment is taking place.</p> <p>8. The Premises Licence Holder or DPS shall be a member of the local Pub Watch (or similar) Scheme, if in operation, and a representative shall attend any meetings.</p> <p>9. The Premises Licence Holder shall implement and incorporate policies on the following matters; and the policies should be reviewed periodically and not changed without consultation with the police. The key points covered will include:-</p> <p><b>Drugs:</b></p> <p>9.1</p> <ul style="list-style-type: none"> <li>• There will be a policy of zero tolerance to the use of illegal drugs ensuring staff are aware of, and react to, the policy, recording each incident, drug related or otherwise, in the site incident book;</li> <li>• Drugs awareness posters shall be displayed on site;</li> <li>• A secure drugs box shall be installed at the premises for any confiscated items which are, or are believed to be drugs. Any such confiscations are to be entered into a drug seizures log, which is to remain in close proximity to the drugs box. The drugs log shall be in a durable format, recording the time/date and location of the seizure; the member of staff seizing the item; the name or description of the customer from whom the item was taken and any action taken at the time to contact Police regarding the item seized (i.e. CAD number or details of officer in attendance);</li> <li>• The management of the premises will contact Police at least once every calendar month, for an officer to attend</li> </ul> |

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|                |       | <p>the premises, empty the drug box, and sign the drugs log accordingly;</p> <ul style="list-style-type: none"> <li>• At all times when licensable activity is undertaken at the premises, at least one member of staff must be present in each set of toilets, at all times to monitor customer activity. These staff members will be trained to be proactive in deterring and preventing any unlawful activity;</li> <li>• Any customer or member of staff found using, possessing or supplying illegal drugs on the premises is to be permanently excluded from the premises; a record of such exclusions is to be entered in the premises daily record. All reasonable steps must be taken to ensure all staff are aware of the identity of excluded persons;</li> <li>• Signs are to be prominently displayed inside and outside the premises warning customers that drug use on the premises will not be tolerated, they will be searched on entry and the police may be called if drugs are found;</li> <li>• The DPS must hold a National Certificate of Drug Awareness qualification, run by the BIIAB, or similar accredited body.</li> </ul> <p><b>9.2 Security:</b></p> <ul style="list-style-type: none"> <li>• There shall be radio communication between the premises and the Town Centre Incident Desk;</li> <li>• When door staff are employed at the premises they will all be individually registered with the Security Industry Authority (SIA) and comply with the regulations governing</li> </ul> |

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|                |       | <p>that authority;</p> <ul style="list-style-type: none"> <li>• All door staff shall enter their full details in the ‘Premises Daily Register’ at the commencement of work. This shall record their full name, home address and contact telephone number, the door staff’s SIA registration number and the time they commenced and concluded working. Details of any SIA agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.</li> <li>• All door staff working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear ‘High Visibility Clothing.’</li> <li>• Door staff duties shall include searching and control of patrons inside the premises, control of patrons while queuing to enter the premises and conducting regular checks of all areas;</li> <li>• Door staff of both sexes shall be on duty at all times the premises are engaged in regulated entertainment. The premises shall be permitted to operate without female door staff subject only to one being appointed and employed within a reasonable time.; any ‘pat down’ searches of female customers to be performed by female door staff ONLY;</li> <li>• The four persons listed on the review decision notice may not be employed or work at the premises in any managerial or supervisory capacity. Additionally, they may not be employed in any other capacity at the premises without the written consent of the Police;</li> </ul> |

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|                |       | <p align="center"><b>9.3</b></p> <ul style="list-style-type: none"> <li>• Upon entry to the premises every customer must be hand searched. These searched=s will include the searching of the customers' person, wallets, purses, bags and any other items carried on or by the customer. All searches are to be conducted by door staff and must be carried out in an area covered by the premises CCTV system. Any person not submitting to a search will be refused entry to the premises;</li> <li>• The premises shall oblige customers to deposit overcoats and outdoor clothing (but not jackets/blazers, etc0 in the cloakroom on arrival. Similarly, all bags (but not lady's handbags) shall be deposited within the cloakroom upon arrival. Such customers that are unprepared to comply with these requirements will not be granted entry to the premises;</li> <li>• Details will be kept regarding ejections in the premises daily register. This is to detail the exact entry/exit point through which the ejection is made, reasons for the ejection and all staff involved in the ejection. Where applicable, any ejections recorded on CCTV will be kept on the premises CCTV system for a minimum of one calendar month.</li> <li>• Bottle Bins shall be provided at the exit doors and staff shall prevent bottles and glasses being taken from the premises;</li> <li>• The premises shall be cleared of customers and closed no more than 30 minutes after the conclusion of the last licensed activity.</li> </ul> |

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|                |       | <p><b>9.4 Responsible drinking</b></p> <p><b>9.5 Queue Management</b></p> <p><b>9.6 Crime Prevention</b></p> <p><b>10</b> The Premises Licence Holder shall ensure that the premises shall adopt and maintain the “Challenge 21” scheme whereby any person to whom alcohol is sold or supplied that appears under the age of 21 years shall be challenged to prove they are over 18 by providing identification by means of passport, photographic identity driver’s licence or identification card approved by the proof of age standards (PASS) and bearing the PASS logo.</p> <p><b>11.</b> The Premises Licence Holder shall ensure that the premises shall adopt a club ID scan or a suitable equivalent which will be utilised as part of the conditions of entry after 9.00pm on any day where SIA door supervisors are engaged. Patrons seeking to enter may then be subject to the entry process whereby a photograph may be taken, fingerprints may be taken or documentation is required or other means to enable identification to take place.</p> <p><b>12.</b> The Premises Licence Holder shall ensure that all staff are suitably trained for their job function for the premises. The training shall be recorded, on-going and under constant review and must be available to a relevant Responsible Authority when called upon.</p> <p><b>13.</b> The Premises Licence Holder shall ensure that a ‘Premises Daily Register’ shall be maintained and kept at the premises for a minimum of 12 months and will be readily available for inspection by an Authorised Person throughout the trading hours of the</p> |

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|                |       | <p>premises. The register shall record:-</p> <ul style="list-style-type: none"> <li>• The name of the person responsible for the premises on each given day;</li> <li>• All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises including the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions to deal with the call;</li> <li>• All incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises including the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.</li> </ul> <p><b>14.</b> The Premises Licence Holder shall ensure that a properly specified and fully operational CCTV system shall be maintained to a satisfactory standard. The system will 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 should have coverage appropriate to the risk, the positions of the CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after written approval of Havering Police and the licensing authority.</p> <p><b>15.</b> The Premises Licence Holder shall ensure that a qualified user of the CCTV system will be present at the premises whenever licensable activity is undertaken. The positions of all CCTV</p> |



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|                       |              | <p>cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after written approval of Havering Police and the licensing authority.</p> <p><b>15.</b> The Premises Licence Holder shall ensure that a qualified use of the CCTV system will be present at the premises whenever licensable activity is undertaken. The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system shall only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.</p> <p><b>16.</b> The Premises Licence Holder shall ensure that a clear head and shoulders image of every person entering the premises on the CCTV system is obtained. Persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.</p> <p><b>17.</b> The Premises Licence Holder shall ensure that the CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month and made available within a reasonable time upon request by the police on production of the relevant Data Protection form. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.</p> <p><b>18.</b> The Premises Licence Holder shall ensure that persons under the age of 18 shall not be permitted on the premises after 18:00</p> |

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|                |       | <p>hours except for pre-booked functions where the terminal hour for persons under the age of 18 shall be 22:00 hours. If the club hosts an under 18 promotion for disco, bands or competitions alcohol shall not be served.</p> <p><b>19.</b> The premises Licence Holder shall ensure that last admission to the premises on a Friday and Saturday will be no later than 03:00am.</p> <p><b>20.</b> The Premises Licence holder shall ensure that the rubbish bins and glass refuse shall be kept at the rear of the premises away from public access. They shall also ensure that the footpath immediately outside the front of the entire premises is kept clear of refuse emanating from the premises by regular inspection both during and immediately after operating hours.</p> <p><b>7. Right of Appeal</b></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"> <li>1. dismiss the appeal; or</li> <li>2. substitute the decision for another decision which could have been made by the Sub Committee; or</li> <li>3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and</li> </ol> |

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|                       |              | <p>4. make an order for costs as it sees fit.</p><br><p>James Goodwin<br/>Clerk to the Licensing Sub-Committee</p> |
| A1                    |              |  |
| A2                    |              |  |