

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber - Town Hall  
25 January 2016 (10.30 - 11.40 am)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Frederick Thompson
<b>Residents' Group</b>	Jody Ganly
<b>East Havering Residents' Group</b>	Linda Van den Hende (Chairman)

Present at the hearing were Mr Loius Bailey and Ms Terry day for the applicant and Mr Michael Fish (Applicant's agent), PC Jason Rose (Havering Police Licencing Officer), Elaine Greenway (Acting Public Health Consultant) and Licensing Officers Mr Paul Campbell and Arthur Hunt.

Interested parties present were Councillor Linda Trew, Dorothy Palmer and Timothy Ryan (Observer).

Also present were the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

There were no disclosures of interest.

**PREMISES**

Winchesters  
119-121 Cross Road,  
Mawneys, Romford,  
RM7 8EA

**DETAILS OF APPLICATION**

This application for a variation to a premises licence was made by William Lee Bailey under section 17 of the Licensing Act 2003

**APPLICANT**

William Lee Bailey  
119-121 Cross Road,  
Mawneys, Romford,  
RM7 8EA

**1. Details of requested licensable activities**

Current premises licence hours:

<b>Supply of Alcohol, Recorded Music</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Thursday	13:00	23:00
Friday	13:00	23:30
Saturday	12:00	23:30
Sunday	12:00	23:00

Supply of Alcohol is also permitted  
New Year's Eve – Deregulated hours  
Christmas Eve – 12.00 to 00.30  
St Georges Day – 13.00 to 00.00  
Good Friday – 13.00 to 00.00

<b>Current premises opening hours</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Thursday	13:00	23:00
Friday	12:00	23:30
Saturday	12:00	23:30
Sunday	12:00	23:00

Additional opening hours are also permitted  
New Year's Eve – Deregulated hours  
Christmas Eve – 12.00 to 00.30  
St Georges Day – 13.00 to 00.00  
Good Friday – 13.00 to 00.00

**Variation applied for:**

<b>Opening hours</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Thursday	13:00	23:30
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	23:30

## **2. Non Standard Timings**

### **Seasonal variations**

As above.

### **Non-standard timings**

As above.

## **3. Promotion of the Licensing Objectives**

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 Romford recorder on 4 December 2015.

## **4. Details of Representations**

Valid representations may only address the four licensing objectives.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

There were three representations against this application from interested parties.

### **Interested persons' representations**

One of the three representations supplied their full details but requested that they do not get disclosed in a public document. The person lived in the vicinity of the premises.

Councillor Linda Trew, a ward councillor addressed the Sub-Committee reiterating her objection on behalf of residents in Mawney ward.

The Sub-Committee was informed that the club had always been out of keeping in this residential area, it was originally used as a scouts hall with occasional seasonal fete.

Since it became a drinking club, there had been issues of noise and anti social behaviour. This ranges from drug problems, noise, fighting which spills out from the club, glasses and bottles left outside the club and encroaching on to residents' property.

Councillor Linda Trew stated that she was not confident that alcohol would not be sold during the extended period applied for.

An interested person attended the hearing and addressed the Sub-Committee, Dorothy Palmer's objections to the application was on ground of public safety and public nuisance. Dorothy Palmer commented that having lived in the area and close proximity of the premises for 28 years, the noise and nuisance created by the Club's customers with the current closing times would not decrease but add another hour to the issues of concern to her and other local residents.

The Sub-Committee was informed that an increase in the closing time and keeping customers inside waiting for taxis still meant the same problem remained but only till later.

Dorothy Palmer stated that shouting and slamming of car doors went on all hours of the night. In the day time and evening the loud music, raucous laughter, shouting and swearing came from the rear of the premises. As a result, she was unable to use her back garden in the summer months as a result of the noise and nuisance from the premises.

There were four representations against this application from responsible authorities.

### **Responsible authorities' representations**

**Police** – PC Jason Rose submitted a representation, and as part of this an Action Plan and Impact Statement.

**Licensing Authority** – Arthur Hunt submitted a representation, and as part of this an Action Plan (same as the police) and witness statement from Paul Jones (Licensing Officer).

**Public Health** – Elaine Greenway submitted a representation.

**Environmental Health Noise** – Marc Gasson submitted a representation.

### **Responsible Authorities**

**Chief Officer of Metropolitan Police (“the Police”):** Yes

The Metropolitan Police had objected against the following three elements of the application -

1) To extend the opening hours of the premises by 30 minutes Sunday - Thursday and by 1 hour on Friday and Saturdays

2) To Extend by 30 minutes on Christmas Eve, Good Friday & St Georges Day

3) A personal license holder shall be at the premises from 1800hrs until close while the premises was open and selling alcohol

PC Jason Rose at the hearing addressed the Sub-Committee, stating that the Police and Licensing Authority had been working closely with this premises over the past months due to a number of complaints from residents in relation to Noise, Anti Social Behaviour (ASB) and general disturbance. Consequently a number of failings had also been identified during subsequent spot checks, compliance visits, observations and meetings with the premises management team. Due to this interaction the venue was currently subject to a Police Licensing Action plan in an attempt to remedy concerns identified at the premises.

As part of this Action Plan, the Police gave a number of suggested conditions to be added to the licence (under a minor variation option) in an attempt to assist the management team achieve the licensing objectives, however the venue and applicant had decided to apply for a full variation requesting additional opening times of four and a half hours a week.

The Sub-Committee was informed that the Police believe a personal license holder should be present at the venue throughout the hours the premises was open and selling alcohol, as a result of issues of concern by some residents during day time trading, within the garden and front of the premises. The Police also believe the employment of a personal license holder during licensable hours adds to the knowledge, due diligence and responsibility around the licensing legislation. The personal license holder would act as a point of contact whilst the DPS was unavailable. The Police view that this in turn would only benefit the promotion of the licensing objectives at the premises.

The Police stated that the application seeking additional hours without being able to evidence effective dispersal at the current hours was unacceptable.

**Details of the suggested conditions:**

The premises license 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, anti-social behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.

A risk assessment must be made relating to the employment of Door staff for any pre-arranged function.

Regular toilet checks (minimum, hourly) to be carried out and documented.

No drinking to take place outside the front of the premises.

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. To obtain a clear head and shoulders image of every person entering the premises on the CCTV

The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one 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 premise is open for any licensable activity.

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. Recordings shall be made available to an authorized person of the Licensing Authority or Havering Police together with facilities for viewing.

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 anti-social behaviour by persons attending or leaving the premises. This 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.

All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review at least every 3 months and must be made available to a relevant responsible authority when called upon.

A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card such as a driving license or passport.

All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

The Police also agreed with the removal of the seven requested conditions on the current licence due to duplication or no longer being applicable.

**Planning Control & Enforcement:** None

**Licensing Authority:** Yes

The Havering Licensing Officer, Arthur Hunt reiterated his written concerns about the application to the Sub-Committee.

The premises had come to the notice of Responsible Authorities since 2013. There had been complaints following events held under TEN. The premises licence holder was not complying with the licence. The DPS had not been at the premises for 4 years. It took 5 months to get them to comply with action plan of 2010 in 2013. In 2015 the premises came to the notice of officers again as it was operating outside licencing hours. There was a lack of licensing knowledge at the premises and the licence holder was not doing what was required. With the Police it was agreed that the way to address the issues was to work with the premises licence holder by putting forward some conditions to assist compliance to promote the licensing objectives. It was discussed and accepted that this could be done by the way of an application for a minor variation to the premises licence. The licence holder mentioned that he would like to extend the opening hours of the premises at the same time, as it could all be dealt with under the same minor variation.

The Licensing Authority was against the opening hours' extension at this time. It was felt that if the applicant preferred to include extended opening hours in his application it would be more appropriate that this should be achieved by way of a full, rather than a minor, variation as the Licensing Authority would not be able to support a minor variation application which included increased opening hours.

Mr Fish a licensing consultant and the DPS who are now involved in the business have now trained staff and there is better licensing knowledge.

The Licensing Authority is of the view that an application to increase opening hours at this residential location would likely have an adverse impact upon the licensing objectives. Mr Hunt said he did not understand why the premises required an extra 1 hour on Friday and Saturday. This extension was not consistent with the policy and was excessive. Mr Hunt said he had no confidence in the management.

**Public Protection:** Yes

A representation was also considered from the Environmental Protection Officer.

It objected to any extension in opening hours and/or times for regulated entertainment beyond those that currently existed for the premises for the following reasons:-

1. The premise was in a residential area in very close proximity to nearby properties.
2. The premises had been the subject of complaints of noise disturbance from activities at the venue and from patrons leaving the premises.

**London Fire & Emergency Planning Authority (“LFEPA”):** None

**Health & Safety Enforcing Authority:** None.

**Public Health:** Yes

At the hearing, Elaine Greenway - Acting Public Health Consultant addressed the Sub-Committee reiterating the objection to the variation of the premises licence.

Public Health expressed the view there was potential risk of nuisance to neighbours at the closing time and that the applicant wished to address this by extending opening hours to include a 30 minute waiting time inside the premises. It was felt the proposed action moved the problem to a later time. Havering Public Health therefore opposed the extended hours as this increased the risk of public nuisance to residents of the area. Elaine Greenway suggested that as an alternative the applicant should stop serving beverages half an hour before current closing time, and ensure that taxis are called during the final half hour period.

**Children & Families Service:** None

## **5. Applicant’s response**

The applicant’s agent, Mr Michael Fish responded to the issues raised by objectors at the hearing.

The Sub-Committee was informed that since his appointment, Mr Fish had conducted appropriate training for staff at the premises.

An experienced bar staff, Ms Day, who resided nearby had been appointed DPS to deal with day to day issues at the premises. She had worked at the premises as bar staff for some time and recently gained a personal licence. The Sub-Committee was informed that, Ms Day had worked in the industry for 15 years and has kept people in check. There had been no reported complaints since she joined the business.



Mr Fish informed the Sub-Committee that there was a training manual for staff with refreshers about licencing legislation, staff training, challenge 25 and a register was being kept of who was responsible for each evening.

Mr Bailey had acquired a personal licence whilst Mr William Lee Bailey was also in the process of getting a personal licence. The intention was to have more personal licence holders.

Mr Fish acknowledged that there had been problem in the past but there was now a willingness to work with the Police and Licensing Authority and the premises licence holder acknowledged it was his duty to step up his game.

Mr Fish stated that the Action plan with the Police was before his appointment and in his view may have been too harsh on the premises.

The Sub-Committee was informed that the extension sought at the closing time was to address the issue of customers waiting outside for taxis. As such extending opening hours to include a 30 minute waiting time inside the premises would reduce potential of noise nuisance to residents of the area. Mr Fish informed the Sub-Committee that the applicant was willing to cut back the closing time on Friday and Saturday to 30mins as well. He said that service of alcohol would not be taking place and that the Responsible Authorities were welcome to test to see if service of alcohol had taken place.

In response to a question about parking at the venue, the Sub-Committee noted that there were only three parking spaces on the premises. Mr Fish informed the Sub-Committee that people attending the premises have been asked to park responsibly.

In response to questioning by the Sub-Committee, Mr Fish stated that keeping customers on the premises during the extended period was to enable to customers disperse quietly.

## **6. Determination of Application**

### **Decision**

**Consequent upon the hearing held on 25 January 2016, the Sub-Committee's decision regarding the application to vary a premises licence for Winchesters.**

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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.

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.

### **Agreed Facts**

#### **Facts/Issues**

Whether the granting of the premises licence would undermine the licensing objectives.

#### **• Prevention of Public Nuisance**

The Sub-Committee noted the comments of all parties objecting to the application and the evidence available regarding issues at this venue.

The Sub-Committee noted that the application implied that there was currently an issue public nuisance to neighbours at the closing time and this variation was to address the issue by extending opening hours to include a 30 minute waiting time.

Having carefully considered all representations in relation to the application, the decision of the Sub-Committee decide is to **Refuse** the application for an extension to the opening hours. The Sub-Committee was of the view that, on the representations made by the Responsible Authorities any increase in the opening hours would undermine the licensing objectives.

The Sub-Committee however agreed to the changes to the conditions that applied to the premises detailed by the Police and the Licensing Authority which had been agreed with the applicant.

The Sub-Committee also agreed to include the condition as requested by the Police; requiring a Personal Licence holder to be on the premises at all times when licensable activities are taking place.

The Sub-Committee stated that in arriving at this decision, it took into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council's Licensing Policy.

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**Chairman**