


**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 30 November 2016**

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**

<p><b>A1</b></p>	<p>APPLICATION FOR A PREMISES LICENCE REVIEW - NEW TASTY CHICKEN, 7 STATION CHAMBERS, VICTORIA ROAD, ROMFORD, RM1 1HS</p>	<div style="text-align: right;">  <p><b>Havering</b> LONDON BOROUGH <b>Licensing Act 2003</b> <b>Notice of Decision</b></p> </div> <p>PREMISES</p> <p>New Tasty Chicken 7 Station Chambers Victoria Road Romford RM1 2HS</p> <p><b>DETAILS OF APPLICATION</b></p> <p>The application for a Review of the Premises Licence was made by PC Oisin Daly on behalf of the Metropolitan Police under section 51 of the Licensing Act 2003. The application was received by Havering Licensing Authority on 21 October 2016.</p> <p>APPLICANT</p> <p>PCOisin Daly,  On behalf of the Commissioner of the Metropolitan Police Service, Romford Police Station,  19Main Road, Romford</p>
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		<p>RM1 1BJ</p> <p><b>1. Details of existing licensable activities</b></p> <p>The venue has a Premises Licence number 2244 which permits Late Night Refreshment Sunday to Thursday 23:00 to 03:00, Friday &amp; Saturday 23:00 to 04:00. The licence was transferred to the current holder Mr Amer Khan on 7 December 2015.</p> <p><b>2. Grounds for Review</b></p> <p>The application for the premises licence review had been served under section 51 of the Licensing Act 2003 under the following ground:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> </ul> <p>The venue had been found to be employing an individual with no permission to work in the UK. The premises were alleged to be associated with other crime in the locality, including the supply of drugs.</p> <p>At the time an inspection of the premises there was no manager or the license holder present, no persons found upon the premises at the time of inspection admitted to being employed by the venue.</p> <p>The venue is situated in a crime hotspot, the cumulative impact zone (CIZ) and is alleged to be frequented by gang nominals. Other breaches of the premises licence identified included CCTV</p>

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		<p>breaches, as a result of not being able to operate the CCTV system, suspects for a theft allegedly could not be prosecuted by the police because of the missing CCTV footage.</p> <p>The Police were primarily concerned about the lack of regard the premises licence holder had in the promotion and upholding of the licensing conditions, the prevention of crime and safety of children from harm.</p> <p><b>3. Details of Representation</b></p> <p><b>Metropolitan Police</b></p> <p>PC Oisin Daly, on behalf of the Metropolitan Police Service addressed the Sub-Committee stating that the Police was primarily concerned about the lack of regard that the premises licence holder had in the promotion of the Licensing Act and upholding of the licensing conditions attached to the premises.</p> <p>The Sub-Committee was informed that on 12 August 2016 at approximately. 23:15 hours the Police and UK Border Authority attended the premises to conduct licensing and immigration inspections.</p> <p>As a result of the inspection, the premises was considered to be operating with a person not eligible to work in the UK.</p> <p>Even though there were three persons behind the counter, the Police could not identify anyone in position of responsibility on the premises.</p> <p>The Police were of the view that Illegal working was a serious issue and referred to the case of East Lindsey Council v Abu Hanif T/A Zaras restaurant. In his findings Mr Justice Jay decided</p>

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		<p>that in employing an illegal worker, whether there had been a prosecution or not, the crime prevention objective had been engaged. Mr Jay highlighted that employing illegal workers defrauds HMRC and exploits vulnerable individuals.</p> <p>A Police request for CCTV footage was followed up with phone calls as no response to the request. On 19 August 2016, the Premises Licence holder (Mr Khan) responded that he would provide CCTV within four days. On 24 August PC Daly had to request for the CCTV again as well as remind Mr Khan that he needed to supply training records and staff files.</p> <p>On 25 August Mr Khan delivered the entire hard drive having not been able to extract any footage. Some cleaning records were provided as well as some health and safety and cleaning documentation but no staff training in relation to the protection of children from harm or their employment status or even national insurance numbers. Mr Khan did not give a satisfactory response to the issues raised.</p> <p>The Sub-Committee was informed that the inability of the licence holder or anyone else upon the premises to operate the CCTV system had meant that a suspect for a crime has evaded prosecution following a theft, on 12<sup>th</sup> July 2016, of a laptop bag containing a laptop passport and other items stolen whilst the owner was on the premises. In spite of several requests for a copy of the CCTV footage it was not provided and the footage lost.</p> <p>The Police understand that the incident occurred at 21:00 hours and as such was outside of licensable hours and the conditions of the licence could not be enforced. The Police were of the view that the crime does highlight the poor management of the venue and a known gang member had escaped prosecution and a victim deprived of justice.</p> <p>New Tasty Chicken is situated in Victoria Road which was in the cumulative impact zone (CIZ) and had been identified as in need of regeneration. New Tasty Chicken is currently the only</p>

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		<p>take away premises open past 23:00 hours in Victoria Road and was inevitably a magnet for anti-social behaviour from the local youths who deal in drugs. The Police were of the view that the problem of gangs operating their drug supply from the area cannot be underestimated and several gang members were on the premises during the inspection.</p> <p>A residential premises, Kingsmead Mansions, which is opposite the premises had been identified as the current base of operation for the Station Crew gang. There had been several arrests in October 2016 alone which involved youths in possession of kitchen knives within 100 metres of the premises.</p> <p>The Police Licensing Officer concluded that the Police were therefore seeking the revocation of the licence as the only option available in order to minimise the risk of someone getting seriously harmed at the premises in the future as the Police had no faith that the owner of the business would be able to operate in a responsible and legal manner.</p> <p><b>4. Response from the Premises Licence holder</b></p> <p>Mr Graham Hopkins a Licensing Agent was present and responded on behalf of premises owner Mr Amer Khan.</p> <p>The Sub-Committee was informed that the premises licence holder had taken over the business about two years ago and the premises licence was transferred to him in December 2015. That there had been no issues of concern prior to the incident outlined by the Police.</p> <p>Mr Hopkins stated that he had serious concerns regarding the evidence the Police had presented for the review. He added that the Police and UKBA had no warrant or invitation to have attended the premises.</p>

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		<p>Mr Hopkins informed the Sub-committee that since being appointed as the agent for the licence-holder he had taken the Premises licence holder and other staff on a series of training that included child protection with emphasis on identifying vulnerable persons.</p> <p>The Sub-Committee received a copy of training log confirming the training carried out on 24 November 2016.</p> <p>The Sub-Committee received a document titled CCTV inspection on 6 November 2016 at the premises. The Sub-Committee noted that the premises was to submit a plan indicating the location of each camera on the premises.</p> <p>The Sub-Committee was informed that the licence-holder will accept reduced operating hours until 02:00 hours but still want to maintain home deliveries until 04:00 hours with orders being received by telephone only after 2am.</p> <p>The Sub-Committee noted the premises licence holder’s apology that the required training were not undertaken earlier but had now been compiled with.</p> <p>The premises was offering a condition to undertake a weekly check of the CCTV system of training carried out on 24 November 2016. The Sub-committee noted that CCTV engineer was to return and provide training for all staff and be certified.</p> <p>The premises was offering a condition that there shall be no seating on the premises from 23:00 hours.</p> <p>The Sub-Committee was informed that the premises shall put up more signage to advise non customers to leave the premises.</p>

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		<p>In response the Sub-Committee noted that it was recommended that the premises licence holder join the Pub Watch scheme and Town Centre Radio scheme which was applicable to all premises that operated after mid-night in the CIZ area.</p> <p>The Sub-Committee noted that the premises supervisor shall undertake a risk assessment to consider the further use of SIA supervisor over what was been offered in the additional conditions.</p> <p>The Sub-Committee was informed that the premises would like to continue to offer home delivery until 04:00 hours as it would make the premises and area less attractive to people.</p> <p>The Sub-Committee noted that the premises was offering a condition that no person under the age of 16 shall be allowed on the premises after 23:00 hours.</p> <p>Mr Khan informed the Sub-Committee that he had emailed the requested CCTV footage of the theft to the police but that the email had not been received by the police. The CCTV footage of the theft was still available in the sent box of Mr Khan's email account.</p> <p><b>5. Determination of Application</b></p> <p>In making its decision, the Sub-Committee 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>Having carefully considered the written representations and listened carefully to the</p>

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		<p>submissions the Sub-Committee noted that whilst there had been serious breaches in respect of the CCTV system and the Licensing objectives and conditions, it was minded not to revoke the premises licence but vary the licence conditions</p> <p>The Sub-Committee imposed the following conditions</p> <ol style="list-style-type: none"> <li>1. There shall be no supply of late night refreshment after 02:00 hours including home deliveries.</li> <li>2. The premises licence holder or nominated manager shall be present at all time during licensable activities upon the premises.</li> <li>3. CCTV footage shall be made available upon demand to the Police and Licensing officers.</li> <li>4. The premises licence holder shall maintain written records of all training for staff for the protection of children from harm.</li> <li>5. No person under the age of 16 shall be permitted to be present upon the premises after 23:00 hours.</li> <li>6. The premises licence shall be subject to the schedule of additional conditions offered by the premise licence holder.</li> <li>7. Any duplicate conditions within the premises licence shall be removed by the Licensing officer.</li> </ol> <p align="center"><b>Additional Conditions offered and agreed by the Licence holder</b></p> <p><b>Re Illegal Working</b></p> <ol style="list-style-type: none"> <li>1. To be able to produce, to a Police Officer or Home Office (UKBA) Immigration Officer,</li> </ol>



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		<p>proof of full compliance with the Home Office Full Guide For Employers On Preventing Illegal Working In The UK October 2013 issue or any subsequent issue. This proof to be provided within 24hours.</p> <p>2. To maintain on the premises a contemporaneous written record of hours worked, by all persons. Such record shall as a minimum cover the previous 4 working weeks and must be produced on demand, to a Police Officer or Home Office (UKBA) Immigration Officer.</p> <p>3. The CCTV condition requiring the provision of images to Police or Authorised Officers to be extended to Home Office (UKBA) Immigration Officers.</p> <p><b>CCTV</b></p> <p>4. The Premises Licence Holder shall ensure that the CCTV is operating on a daily basis and not less than weekly shall ensure it is recording and storing images for a minimum of 31 days. Details of checks to be recorded in the Incident Book.</p> <p><b>Seating</b></p> <p>5. Customer seating within the premises shall be closed to the public at 23.00 hours and be taken out of use.</p> <p>6. Last orders for food to be eaten in the premises shall be provided to customers no later than 22.45.</p> <p>7. Notices must be clearly displayed by the servery and entry door stating that customer seating closes promptly at 23.00 and that no food may be eaten on the premises after</p>

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		<p>that time. The Notices must also state that the last orders for food to eat on the premises must be given to customers by 22.45 daily and that no orders will be accepted for consumption on the premises after that time.</p> <p><b>Other Measures</b></p> <p>8. The Premises Licence Holder shall join and remain a member of any local Best Bar None or Pubwatch Scheme if one exists. The Premises Licence Holder or Shop Manager shall attend each meeting.</p> <p>9. The Premises Licence Holder shall join the Town Centre Radio Scheme and ensure the radio is used during licensed permitted hours. Staff shall be trained in its use.</p> <p>10. All staff training shall be undertaken by a competent external trainer for a minimum of a year after the Review Hearing. All staff shall be trained on induction and given refresher training at a minimum of quarterly intervals.                      Training shall cover: Understanding and complying with Licence hours and conditions. Operating the CCTV system ensuring system is working &amp; recording, downloading images for Police or Authorised Council Officers on request, calling the CCTV Engineer. Acknowledging customers on entry, taking orders in turn, explaining cooking / service times &amp; delays, ensuring customers leave the premises promptly after service and monitoring customer conduct while waiting in the shop. Monitoring the outside of the shop, asking customers not to loiter and to leave the shop / area quietly, ensure the outside / frontage is kept tidy and bins emptied regularly and swept at close. It must also cover the protection of children from harm.</p> <p><b>11. Risk Assessment / Door Supervisors</b></p>

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		<p>12. One (1) SIA licensed Door Supervisor shall be on duty at the premises from 23.00 to close on Friday &amp; Saturday nights.</p> <p>13. At other times the Premises Licence Holder or Manager shall undertake an ongoing risk assessment shall be conducted on a daily basis to identify any need for an SIA Licensed Door Supervisor to be on duty during permitted hours from 23.00 taking into account any information received from the Police.</p> <p>14. All Door Supervisors will record their name, licence number, date and times of attendance, signature and if employed by a security company the agency's name and address.</p> <p><b>Incident Book</b></p> <p>15. An Incident Book shall be kept at the premises, and made available to the Police or Authorised Officers, which will record the following:</p> <ul style="list-style-type: none"> <li>A) All crimes reported,</li> <li>B) Lost property,</li> <li>C) All ejections of customers,</li> <li>D) Any complaints received,</li> <li>E) Any incidents of disorder ,</li> <li>F) Any seizure of drugs of offensive weapons,</li> <li>G) Any faults in the CCTV,</li> <li>H) Door Supervisor attendance details,</li> <li>I) Any visit by a relevant authority or emergency service.</li> </ul>

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		<p><b>6. 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> <li>4. make an order for costs as it sees fit.</li> </ol>
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