

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 20 March 2019

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>A1</p>	<p>APPLICATION FOR A PREMISES LICENCE - QQ LOUNGE, 137-141 SOUTH STREET, ROMFORD, RM1 1PL</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES QQ Lounge 137-141 South Street Romford RM1 1PL</p> <p>DETAILS OF APPLICATION</p> <p>This application for a premises licence is made by QQ Corporation Ltd under section 17 of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 4 February 2019.</p> <p>APPLICANT QQ Incorporation Ltd 137-141 South Street Romford RM1 1PL</p> <p>1. Details of requested licensable activities</p> <p>The Sub-Committee considered an application for a new premises licence for QQ Lounge.</p>
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		<p>Details of the application</p> <p>Recorded Music, Late Night Refreshment</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td></td> <td></td> </tr> <tr> <td>Tuesday</td> <td></td> <td></td> </tr> <tr> <td>Wednesday</td> <td></td> <td></td> </tr> <tr> <td>Thursday</td> <td>23:00</td> <td>02:30</td> </tr> <tr> <td>Friday</td> <td>23:00</td> <td>03:30</td> </tr> <tr> <td>Saturday</td> <td>23:00</td> <td>03:30</td> </tr> <tr> <td>Sunday</td> <td>23:00</td> <td>01:30</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="3">Supply of Alcohol</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td>12:00</td> <td>23:00</td> </tr> <tr> <td>Tuesday</td> <td>12:00</td> <td>23:00</td> </tr> <tr> <td>Wednesday</td> <td>12:00</td> <td>23:00</td> </tr> <tr> <td>Thursday</td> <td>12:00</td> <td>02:30</td> </tr> <tr> <td>Friday</td> <td>12:00</td> <td>03:30</td> </tr> <tr> <td>Saturday</td> <td>12:00</td> <td>03:30</td> </tr> <tr> <td>Sunday</td> <td>12:00</td> <td>01:30</td> </tr> </tbody> </table>	Day	Start	Finish	Monday			Tuesday			Wednesday			Thursday	23:00	02:30	Friday	23:00	03:30	Saturday	23:00	03:30	Sunday	23:00	01:30	Supply of Alcohol			Day	Start	Finish	Monday	12:00	23:00	Tuesday	12:00	23:00	Wednesday	12:00	23:00	Thursday	12:00	02:30	Friday	12:00	03:30	Saturday	12:00	03:30	Sunday	12:00	01:30
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		<p>2. Promotion of the Licensing Objectives</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 application. The required public notice was installed in the Friday 15 February 2019 edition of Yellow Advertiser.</p> <p>3. Details of Representations</p> <p>There were 3 representations against this application from responsible authorities. These were from the Havering Licensing, the Police and Environmental Health (Noise).</p> <p>There was a representation in support of this application from a responsible authority; Planning.</p> <p>4. Determination of Application</p> <p>The Sub-Committee's hearing was opened by a representative of the Public Protection Team.</p> <p>The Sub-Committee received written representations, and heard evidence and oral submissions from Mr Paul Jones, Havering Licensing Authority, PC Adam Williams, Havering Police Licensing Officer and Marc Gasson, Environmental Health (Noise); all objecting to the application.</p> <p><u>Legal Framework</u></p> <p>The Sub-Committee reminded itself that it must promote the licensing objectives and must have regard to the Statutory Guidance issued under s.182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.</p>

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		<p><u>Decision and reasons</u> Having considered all the evidence, the Sub-Committee determined that the application for a new premises licence will be granted for the reasons set out below:</p> <p>REASONS</p> <p>An officer from the Council's Licensing Team presented the application, this was followed by representations from the Responsible Authorities.</p> <p>The background to these representations is that the premises lie within a Cumulative Impact Zone as set out in Annexe 1 to the Council's policy. Responsible Authorities did not feel that the application and the conditions volunteered in the operating schedule were sufficiently clear in some areas and in others not adequate to promote the licensing objectives or to rebut the presumption against the granting of the licence within the Cumulative Impact Zone.</p> <p>The sub-committee heard representations from the applicants' agent, Mr Gibson, and from the applicant himself who provided details of his experience and described the premises for the committee, the type of customers expected to use the same and his reasons for wanting to create such an environment</p> <p>This was followed by questions from the committee relating to the premises, its layout and lease, the applicant's experience, location of smoking areas and any other external area on the premises.</p> <p>Members also asked the applicant to address the sub-committee with regards to the cumulative impact zone whether he was aware the premises were situated in the same.</p> <p>The Sub-Committee must promote the Licensing objectives and must have regard to the Revised Guidance issues under s. 182 of the Licensing Act 2003 and the Council's own</p>

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		<p>Statement of Licensing Policy. The sub-committee noted that the premises are in a cumulative impact zone and that, by virtue of the policy set out in Annex 1 of the Council’s Statement of Licensing Policy, where relevant representations are received raising concerns that the grant of a new premises licence is likely to add to the existing cumulative impact, there is a rebuttable presumption that the application will be refused or subject to certain limitations unless the applicant can demonstrate there will be no negative cumulative impact on one or more the licensing objectives.</p> <p>Members considered the effect of the hours for the sale of alcohol and the opening hours proposed in the application, members are concerned the very late closing will have a negative impact on the area if the licence is granted due to location of the premises close to a transportation hub in a very busy area, where crime and disorder are already prevalent</p> <p>The committee also considered the amended hours put forward by Mr Gibson at the hearing and whilst these were reduced, members noted these still did not meet the Councils’ licensing policy guidelines for the area, as such members remained concerned that the licencing objectives will be undermined for the reasons set out above and in turn the licence if granted will add to the existing problems within the area.</p> <p>Further, the committee did not agree with Mr Gibson’s view that conditions relating to drugs and dispersal of patrons should be considered at a later stage, members strongly felt that they could not grant the licence without the inclusion of these conditions, as doing so would risk undermining the licensing objectives of the Prevention of Crime and Disorder and Prevention of Public Nuisance if the dispersal of patrons was not monitored effectively.</p> <p>Members agreed that the applicant could not be held responsible for the current criminal activity reported in the area, however as this was a CIZ, there was a responsibility on the applicant to demonstrate the licence if granted would not add further to the problems in an already challenging area where alcohol related crimes are prevalent.</p>

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		<p>Members were not entirely convinced from the applicants response that he was aware the premises lay in a CIZ, the sub-committee considered with care the representations made by the responsible authorities and shared their concerns regarding the late hours applied for, on balance, the sub-committee were persuaded that by reducing the closing times and those for the sale of alcohol, and by amending the conditions in the operating schedule along with some additional conditions imposed by the sub-committee, this would be sufficient to ensure that granting the application for a new licence would not add to existing problems in the area and would not have a negative cumulative impact on the licensing objectives for the Prevention of Public Nuisance and the Prevention of Crime and Disorder</p> <p>The sub-committee therefore decided to grant a new premises licence pursuant to section 18(4) (a) of the Licensing Act 2003, subject to the following conditions:</p> <p><u>Premises Opening and Closing Times:</u></p> <p><i>Sunday – Thursday 12:00 noon – 23:30 pm</i></p> <p><i>Friday – Saturday 12:00 noon – 12.30 am</i></p> <p><u>Sale of Alcohol (on premises only):</u></p> <p><i>Sunday – Thursday 12:00 noon – 23:00 pm</i></p> <p><i>Friday – Saturday 12:00 noon – 12:00 Midnight</i></p>

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		<p><u>Late Night Refreshment Time:</u></p> <p><i>Friday – Saturday 23:00 – 12:00 Midnight</i></p> <p><u>Provision of Recorded Music</u></p> <p><i>Friday – Saturday 23:00 – 12:00 Midnight</i></p> <p><u>Conditions:</u></p> <p><u>A CCTV system shall be installed at the premises on the following terms:</u></p> <p><u>1</u></p> <ul style="list-style-type: none"> <i>(i) The CCTV shall be maintained in working condition and record the premises 24hours a day;</i> <i>(ii) Recordings to be retained for a minimum of 31 days and be made available to the Police or officers of the Council upon request and must be of evidential quality;</i> <i>(iii) The equipment will have a suitable export method i.e. CD/DVD/USB facility so that the Police can make evidential copy of the data they require, this data should be in the native file format to ensure that no image quality is lost when making the copy;</i>

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		<p>(iv) <i>If this format is nonstandard, i.e. manufacturers proprietary, then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the Police and the Licensing Authority on a standard computer. Copies must be made available to the Police and the Licensing Authority upon request;</i></p> <p>(v) <i>Staff working at the premises will be trained in the use of this equipment and a least one member of staff shall be present during permitted hours who can work and download CCTV if requested by a police officer or authorised officer from LBN and a log will be kept to verify this;</i></p> <p>(vi) <i>Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e. capable of identification;</i></p> <p>(vii) <i>To have signs displayed in the customer area to advise that CCTV is in operation; and</i></p> <p>(viii) <i>Should the CCTV become non-functional the Premises Licence holder/DPS shall take immediate steps to rectify the situation as soon as possible and inform the relevant licensing authority immediately.</i></p> <p>(ix) <i>CCTV shall be maintained in good working order and be of evidential quality, shall record at all times the premises are open, recordings shall be kept for a minimum of 31 days, shall have the capability to either download that footage on to a disc or similar data transfer device and shall be produced on request of Police, Trading Standards or Council Officers.</i></p>

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		<p>(x) <i>The CCTV system shall be checked on a weekly basis to ensure that it is working/recording a record of this shall be recorded in the CCTV log book with the premises licence holder/DPS recording the date and time of the check. The record shall be recorded in a bound and number page book this register is to be kept on the premises at all times and made available to the Police and the authorised council officers. Full books shall be retained at the premises for a period of 12 months</i></p> <p>2. <u>Challenge 25</u></p> <p><i>The licensee will adopt a “Challenge 25” policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.</i></p> <p><i>The licensee will prominently display notices advising customers of the “Challenge 25” policy.</i></p> <p><i>The following proofs of age are the only ones to be accepted:</i></p> <p>(i) <i>Proof of age cards bearing the "Pass" hologram symbol</i> (ii) <i>UK Photo Driving licence;</i> (iv) <i>Passport</i></p> <p>1. <i>The licensee or DPS shall keep a register of refused sales of all age-restricted products and this will be kept in a Refusal Book.</i></p>

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		<p>3. Refusal Book:-</p> <p><i>i) The Refusals' Book shall contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.</i></p> <p><i>ii)The Refusals Book shall be examined on a regular basis (weekly) by the licensee or DPS and date and time of each examination to be endorsed in the book. Analysis of staff refusals and data such as the time/day of refusals to be carried out by the Licensee on a regular basis in order to predict trends and identify staff training and compliance issues.</i></p> <p><i>iii)The Refusals Book shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police at any time during licensed hours.</i></p> <p>4. Staff Training:-</p> <p><i>i) The licensee / DPS shall keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</i></p> <p><i>ii) The licensee/DPS shall ensure that each member of staff authorised to sell</i></p>

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		<p><i>alcohol has received adequate training on the law with regard to age restricted products and that all staff authorised to sell alcohol receive training on identifying customers who may be under the age of 25 years. All training will be properly documented and training records kept. The training records will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police. The training must also cover proxy sales.</i></p> <p><i>iii) The licensee/DPS shall ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.</i></p> <p><i>iv) The licensee/DPS shall ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under-25s attempting to purchase alcohol.</i></p> <p><i>v) A register of all employees, working at the premises daily shall be maintained in writing together with their job titles, names, address and shall include the times they were on duty. This record shall be recorded in a bound and number page book, the Premises licence holder/DPS shall endorse weekly each record with the date and time the record was endorsed. This register is to be kept on the premises at all times and made available to the Police and the authorised council officers. Full books shall be retained at the premises for a period of 24 months</i></p> <p><i>v) All staff to undergo refresher staff training this is to include the conditions attached to the licence every 3 months and the training to be recorded and</i></p>

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		<p><i>signed for by the employee and the DPS/Premises Licence holder. The record shall be recorded in a bound and number page book this register is to be kept on the premises at all times and made available to the Police and the authorised council officers. Full books shall be retained at the premises for a period of 24 months</i></p> <p>vi) <i>The licensee/DPS shall ensure that effective controls are in place to ensure that persons (whether staff or otherwise) who are not authorised to sell alcohol cannot do so. This would be likely to include a rota system where at least one authorised person is present at all times during licensing hours.</i></p> <p>Vii) <i>The licensee/DPS shall ensure that the training records and training includes the permitted hours in which alcohol can be sold, the conditions that are attached to this licence. The training records shall be kept in a bound and page number book.</i></p> <p>viii) <i>All staff shall be trained on the permitted times of sale of alcohol and the conditions attached to the licence</i></p> <p>5. Signage:</p> <p><i>Relevant signage shall be displayed by the entry / exit doors and points of service as appropriate advising customers and guests:</i></p> <p>i) <i>That Challenge 25 and CCTV are in operation;</i></p> <p>ii) <i>Advising of the provisions of the Licensing Act 2003 including re underage and proxy sales;</i></p>

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		<p>6. SIA DOOR SUPERVISORS / SEARCHES & SECURITY</p> <p>(i) <i>There shall be a minimum of 3 SIA door supervisors on duty from 20:00 between Sunday – Thursday and who shall remain on duty 30 minutes after the premises closes and is empty of patrons.</i></p> <p>(ii) <i>There shall be a minimum of 3 SIA door supervisors from 20:00 hours on each Friday and Saturday increasing to 4 SIA door supervisors on duty from 21:00 hours and who shall remain on duty 30 minutes after the premises closes and is empty of patrons.</i></p> <p>(iii) <i>The premises licence holder shall ensure that the following details for each door supervisor are contemporaneously entered into a bound register kept for that purpose:</i></p> <p> iii) <i>Full name,</i></p> <p> (a) <i>SIA Certificate number and or badge number, or registration number of any accreditation scheme approved by the SIA.</i></p> <p> (b) <i>The time they began their duty</i></p> <p> (c) <i>The time they completed their duty.</i></p> <p> (d) <i>This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 28 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or the Police upon request</i></p> <p>(di) <i>All SIA door supervisors must wear high visibility jackets whilst on duty inside and outside the premises at all times</i></p> <p>(dii) <i>At all other times the requirement for door supervisors will be assessed by way of a risk</i></p>
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		<p><i>assessment undertaken by the DPS The risk assessment will be in written form and will include details of the type of the event, how many customers are expected to attend, the hours of the event and whether the door staff are required to promote the licensing objectives. Such assessments shall be made available to the Metropolitan Police on reasonable request</i></p> <p><i>iv) Hand held metal detecting scanners shall be in use at the premises during all trading hours, other metal detecting scanners may be used such as fixed metal detectors at all entrances. Detectors shall be operated by door supervisors or by suitably trained staff when no door supervisors are on duty, and such detectors shall be operative when any licensable activity is taking place. Fixed detectors shall be installed to the satisfaction of the Licensing Authority and the Police</i></p> <p><i>v) Drugs and weapons seized will be placed in a locked receptacle set aside for this purpose. The means for securing or unlocking the receptacle will be retained by the premises licence holder or the designated premises supervisor or in their absence any other responsible person. A record shall be made of the seizure, the time, date and by whom, and to whom the items were handed on to in a bound book specifically kept for that purpose. Such a book to be produced to an authorised officer of the Licensing Authority or the Police upon request. The premises licence holder shall make suitable arrangements with the Police for the collection of any seized items.</i></p> <p>7. EXTERNAL AREAS/SMOKING AREAS</p> <p><i>i) There shall be designated smoking area for a maximum of 7 people, the area must be provided with suitable ashtrays/bins, the use of which is monitored by staff</i></p>

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		<p><i>ii) The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure the above occupancy figure is not exceeded.</i></p> <p><i>iii) The area must be adequately monitored by door staff and CCTV to ensure that customers do not cause a nuisance, or obstruct access to adjoining premises and risk of crime and disorder in this area is adequately monitored</i></p> <p><i>iv) The area must be regularly swept to remove any cigarette ends</i></p> <p><i>V) Customers must not be allowed to take drinks to the smoking area</i></p> <p><i>VI) The outside terrace area must be kept locked at all times the premises are open to the public</i></p> <p>8. DRUG ACTION:</p> <p><i>(i) Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by door security personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.</i></p> <p><i>(ii) Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by door security personnel. In any event where controlled substances or weapons are found, the premises licence holder</i></p>

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		<p><i>shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.</i></p> <p><i>(iii) The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.</i></p> <p><i>(iv) The premises licence holder shall ensure that documented security arrangements are implemented at the premises to discourage the sale and consumption of controlled substances. Security arrangements shall include having a member of staff regularly check toilet areas, the date and times of all checks to be recorded in a bound book kept for that purpose and to be produced upon request to an authorised officer of the Licensing Authority or a constable. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.</i></p> <p><i>(v) The premises licence shall ensure that, with regard to controlled substances, harm reduction information is displayed within the venue and that there are suitably experienced members of staff, or outreach workers from a local drugs agency, dedicated to providing harm reduction information and to dealing with drug related incidents or emergencies appropriately.</i></p> <p><i>(vi) The premises licence holder shall ensure that adequate rest facilities are provided, which are cooler, quieter and preferably separate from the main dance area(s). These ‘chill out’ areas should offer adequate seating.</i></p> <p>9. DISPERSAL</p> <p><i>The Dispersal Policy submitted by the applicant shall be amended to include the details set out below and implemented prior to premises being open to the public</i></p>

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		<p><i>The following conditions shall be amended as follows:</i></p> <p>2.2 <i>The management at the premises will monitor and review the dispersal policy every 6 months, a log will be kept to identify any weaknesses and recommendations in regards to future training or implementation requirements</i></p> <p>3.6 <i>shall be deleted</i></p> <p>3.10 <i>A sign shall be prominently displayed by the entry/exits advising customers and guests to respect residents and leave quietly, not to loiter outside and to disperse from the area</i></p> <p>3.11 <i>A sign containing the contact details of the Duty Manager, namely a phone number and an email address shall be prominently displayed outside the premises and shall be made available to any resident or Local Residents Association</i></p> <p>3.15 <i>All staff will receive training with regards to this policy which will be fully documented; A record of the training shall be maintained and shall be available upon immediate request by an authorised officer of the Licensing Authority or the policer.</i></p> <p><i>The following condition shall be added to the Dispersal policy:</i></p> <p>3.16 <i>The premises licence holder shall ensure all staff are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require and immediate evacuation of the premises.</i></p> <p>10. NOISE PRECAUTIONS / SOUNDPROOFING</p> <p>i) <i>Noise limiting device shall be installed in the presence of officers from the Noise and Nuisance Team to enable them to attach their seal at the point of installation. The</i></p>

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		<p><i>device shall be located in a lockable cabinet. The keys shall be held by the designated premises supervisor or other authorised manager and shall not be available to any other person. The limiter shall not be altered without prior agreement from the Noise and Nuisance Team. The sound limiting device shall be designed to activate a visual warning and prevent any increase in volume once the pre-determined sound limit has been reached.</i></p> <p><i>ii) No music whether amplified or not or amplified speech may be played outside the premises at any time</i></p> <p><i>iii) All doors and windows to the premises shall be kept closed at any time except for access and egress. This may result in the need for mechanical ventilation to facilitate temperature control within the premises.</i></p> <p><i>iv) Where air conditioning units are installed, these shall be properly installed and maintained to avoid causing nuisance from noise and vibration to local residents.</i></p> <p>11. FIRE SAFETY:</p> <p><i>i) The Licensee/DPS shall ensure a fire risk assessment is undertaken prior to premises opening to the public and annually thereafter, copies of the risk assessment to be kept on the premises and made available to responsible authorities upon request</i></p> <p><i>ii) The occupancy shall be restricted in accordance with the permitted by the Fire Assessment. The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time. Appropriate controls shall be put in place to ensure that the occupancy of the premises / specified areas are not exceeded at any time.</i></p>

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		<p>CONTROLS FOR SALE OF ALCOHOL</p> <p><i>(i) A Personal Licence Holder, Premises Licence Holder, or the DPS to be present at the premises at all times the premises are open to the public</i></p> <p><i>(ii) There shall be no supply of alcohol for consumption off the premises</i></p> <p>BOTTLES / GLASS</p> <p><i>(i) All beverages served and consumed (including alcoholic and non - alcoholic drinks) shall be decanted and dispensed in polycarbonate, plastic, non-glass containers, or toughened glass to the appropriate safety standard in that they shall not produce sharp shards when broken). All glass bottles are to be retained behind the bar for safe disposal.</i></p> <p><i>(ii) No glasses shall be taken off the premises</i></p> <p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision.</u></p> <p>On appeal, the Magistrates' Court may:</p>

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		<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.