

Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 3 May 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

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A1	<p>APPLICATION FOR A NEW PREMISES LICENCE - JUMP EVOLUTION, 1 SPILSBY ROAD, ROMFORD, RM3 8SB</p>	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Jump Evolution Unit 1 Spilsby Road Romford RM3 8SB</p> <p>APPLICANT Jump Evolution Limited</p> <p>Details of the Application</p> <table border="1"> <tr> <th align="left" colspan="3">Late night refreshment</th></tr> <tr> <th>Day</th><th>Start</th><th>Finish</th></tr> <tr> <td>Monday to Sunday</td><td>23:00</td><td>00:00</td></tr> </table> <table border="1"> <tr> <th align="left" colspan="3">On-supplies of alcohol</th></tr> <tr> <th>Day</th><th>Start</th><th>Finish</th></tr> <tr> <td>Monday to Sunday</td><td>12:00</td><td>00:00</td></tr> </table>	Late night refreshment			Day	Start	Finish	Monday to Sunday	23:00	00:00	On-supplies of alcohol			Day	Start	Finish	Monday to Sunday	12:00	00:00
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		<table border="1"> <tr> <th colspan="3">Hours premises open to the public</th></tr> <tr> <th>Day</th><th>Start</th><th>Finish</th></tr> <tr> <td>Monday to Sunday</td><td>10:00</td><td>00:00</td></tr> </table> <p>The application for a premises licence was made by Jump Evolution Limited under s.17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on the 19th March 2019. The application was appropriately advertised in accordance with the requirements of regulation.</p> <p>Details of Representations</p> <p>There was one representation against the application from a local resident. There was one representation against this application from a responsible authority, namely Havering's Planning Authority.</p> <p>Neither the local resident who made the representation or a representative from Havering's Planning Authority were present at the hearing.</p> <p>DECISION</p> <p>The Licensing Sub-Committee determined that the licence will be granted for the</p>	Hours premises open to the public			Day	Start	Finish	Monday to Sunday	10:00	00:00
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		<p>reasons set out below.</p> <p>REASONS</p> <p>An officer from The Authorities Licensing Team presented the application.</p> <p>This was followed by various questions from members to the applicant.</p> <p>The applicant informed the committee that this application was in response to a demand from his customers, mainly mothers who wanted to be able to have a glass of wine whilst waiting for their children.</p> <p>The applicant assured members that he was not trying to create a late night drinking establishment for young people and confirmed that he was at the premises every day and that he wanted to work alongside the Responsible Authorities to ensure the business is compliant.</p> <p>Members asked the applicant whether he had been approached by or spoken to local residents, he said he had not, although letters had been posted through to residents letter box's to try and engage with them and to deal with any concerns, he also informed the Sub-Committee that to his knowledge there have not been any complaints on the business Facebook page.</p> <p>The applicant accepted that on occasions the music may have been too loud, however stated that this was during the day and not in the evening.</p>

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		<p>Members asked a number of questions relating to how the 3 drink rule would be monitored, the applicant explained this will be managed using wrist bands, each wrist band representing whether somebody was jumping or spectating, white wrist bands will be issued for spectators, who will be sold alcohol, their bands will be clipped by bar staff each time the customer makes an alcoholic purchase. Any customer wearing a white wrist band with 3 clip marks will not be served with any further alcohol. The applicant explained a coloured wristband will be issued to customers who are jumping, customers with a coloured wrist band will not be sold alcohol.</p> <p>The Sub-Committee queried whether the tannoy would be used in the evening, the applicant informed members that the last session is at 8 pm and that they could reduce the tannoy base if it was disturbing neighbours and cap the noise level if necessary.</p> <p>When asked whether the back doors were left open, the applicant informed the committee that the doors are not normally left open and that a member of staff is always present at the back of the premises.</p> <p>In answer to further member questions, the applicant informed the committee that the premises could hold up to 175 people, and that he had undertaken a licensing course for which he awaiting paperwork, he confirmed the DPS Lorraine Walsh had also completed the course and training.</p> <p>The applicant also informed the committee that all staff will be properly trained to ensure that patrons leave quietly, when asked how staff would handle patrons that refused to leave the premises quietly, the applicant informed the committee that this has happened in the past and that they acted responsibly and called the police, he said</p>

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		<p>that in 3 years there was no record or history of Public nuisance and he did not anticipate any.</p> <p>Members raised some concerns about the external bins containing empty bottles in the outside area and customers being able access the same, the applicant confirmed these bins were not locked.</p> <p>The sub-committee must promote the licensing objectives and must have regard to the Revised Guidance issued under s.182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.</p> <p>Following careful consideration of the representations made, members noted the concerns surrounding Public Nuisance and are concerned that the proposed closing times for the premises in the application are the same as those proposed for the on – supplies of alcohol and late night refreshment, and the licence, if granted with the timings proposed will undermine the licensing objective for the Prevention of Public Nuisance.</p> <p>The Sub-Committee is concerned that customers ordering an alcoholic drink a few minutes before the closing time, may not be able to consume the same in time, this could prolong customers leaving the premises and potentially disturb local residents into the early hours, particularly during the week when residents may have work the following day and children school.</p> <p>On balance the Sub-Committee were of the view that by reducing the times proposed in the application for both the supply of alcohol and late night refreshment and by</p>

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		<p>amending the wording of some of the conditions in the operating schedule, along with some additional conditions imposed by the sub-committee itself, these would be sufficient to promote the Four Licensing Objectives, if the licence is granted, in particular the licence objective for the Prevention of Public Nuisance. The Sub-Committee therefore decided to grant a new premises licence subject to the following conditions:</p> <p><u>Premises Opening and Closing Times:</u></p> <p>Monday – Sunday 10:00 am – 12:00 midnight</p> <p><u>Sale of Alcohol (on premises only):</u></p> <p>Friday – Saturday 12:00 Noon – 23:30 pm</p> <p>Sunday – Thursday 12:00 Noon – 11:00 pm</p> <p><u>Late Night Refreshment Time:</u></p> <p>Friday – Saturday 23:00 – 23:30 pm</p>

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		<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> (ii) <i>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> (iii) <i>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> (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>

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		<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> <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</i></p>

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		<p><i>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><i>(xi) Staff trained to operate and download CCTV recordings must be present and available at all times the premises are open to the public</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></p> <p><i>(ii) UK Photo Driving licence;</i></p> <p><i>(iii) Passport</i></p>

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		<p><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> <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</i></p>

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		<p><i>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 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</i></p>

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		<p><i>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>vi) 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 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><i>vii) 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><i>Viii)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><i>ix) All staff shall be trained on the permitted times of sale of alcohol and the conditions attached to the licence</i></p>

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		<p>5. Signage:</p> <p><i>Relevant signage shall be prominently and clearly 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><i>ii) Instructing customers to respect the needs of local residents and leave the premises and the area quietly, not to loiter outside and not to bang car doors, rev their engines or play loud music</i></p> <p><i>iii) Advising of the provisions of the Licensing Act 2003 including re underage and proxy sales;</i></p> <p><i>iv) stating the hours of operation under the terms of the premises licence</i></p> <p><i>v) Alcohol will not be sold to anybody who is displaying intoxicated or disorderly behaviour</i></p> <p><i>vi) Drunken or disorderly conduct will not be tolerated</i></p>

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		<p>BOTTLES / GLASS</p> <p><i>All beverages (including alcoholic and non-alcoholic drinks) to be served and dispensed in polycarbonate, plastic, non-glass contain cups, All glass bottles are to be retained behind the bar for safe disposal</i></p> <p><i>Licence holder/DPS to ensure all waste including bottles and plastic is disposed of using a Waste Management Company</i></p> <p>GENERAL:</p> <ul style="list-style-type: none"> <i>i) The Licence holder/DPS shall ensure that external bins used for storage of glass bottles are kept locked at all times except when deposits are made or when the bins are being emptied.</i> <i>ii) The Licence holder/DPS shall ensure that external doors are kept closed at all times to prevent noise escaping and disturbing the occupants of neighbouring properties.</i> <i>iii) The Licence holder/DPS shall ensure that customers leave the premises quietly, without loitering outside, or banging their car doors, revving their engines or playing loud music</i> <i>iv) Personal Licence Holder/Designated Premises Supervisor shall be on the premises</i>

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		<p align="center"><i>at all times the premises are open to the public.</i></p> <p><i>v) No drinks shall be taken off the premises</i></p> <p><i>vi) The Licence holder/DPS shall ensure that there is no drunken or disorderly behaviour on the premises or immediately outside the premises</i></p> <p><i>vii) The licence holder/DPS shall ensure alcohol is not served to customers who are intoxicated or disorderly</i></p> <p><i>viii) The Licence holder/DPS shall ensure all staff are trained to ensure customers vacate the premises in an orderly and respectful manner</i></p> <p><i>ix) The Licence holder/DPS shall ensure that alcohol is only served to customers who are wearing a white spectator wristband or no wristband</i></p> <p><i>x) The Licence holder/DPS shall ensure that customers who are issued with a white wristband shall be limited to a maximum of 3 alcoholic drinks each, ensuring bar staff clip the wristband each time an alcoholic sale is made to the customer</i></p> <p><i>xi) The Licence holder/DPS shall ensure customers wearing a coloured wrist band are not be sold alcohol</i></p> <p><i>xii) The Licence holder/DPS shall ensure that each member of staff has received</i></p>

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		<p><i>adequate training in regards to the in house rules relating to the wristband scheme, ensuring all staff understand what each wristband represents including training with regards to the 3 drink rule.</i></p> <p><i>xiii) The Licence holder/DPS shall ensure the apparatus, fixtures and fittings are maintained in good and safe working condition, inspections of the same will be properly documented. The inspection records will be kept for a period of 12 months on the licensed premises and made available for inspection by officers from Licensing Team, Trading Standards or the Police.</i></p> <p><i>xiv) The Licence holder/DPS shall ensure the lighting on the premises is in good working order at all times the premises are open to the public to ensure customer safety.</i></p> <p>These conditions have been added to the premises licence as they are appropriate, justified and proportionate to promote the licensing objectives of the Prevention of Public Nuisance and Public Safety.</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.