

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 12 June 2023**

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**

<b>A1</b>	APPLICATION FOR A PREMISES LICENSE - NERO LOUNGE, 1 Halewood Way Rainham RM13 8QZ	<b>Licensing Act 2003 Notice of Decision</b>		
		<p><b>PREMISES</b> Nero Lounge 1 Halewood Way Rainham RM13 8QZ</p> <p><b>APPLICANT</b> Mr Nerijus Sartauskas</p> <p><b>Details of requested licensable activities</b> The application for a premises licence is made by Mr Nerijus Sartauskas under section 17 of the Licensing Act 2003. The application was received by the Licensing Authority on 19 April 2023.</p> <p>The application seeks to permit the following licensable activities:</p>		
		<b>Live music, recorded music, late night refreshment</b>		
		<b>Day</b>	<b>Start</b>	<b>Finish</b>
		Friday & Saturday	23:00	23:30*
		<b>Supply of alcohol – consumption on and off</b>		
		<b>Day</b>	<b>Start</b>	<b>Finish</b>
		Sunday to Thursday	07:00	23:00
		Friday & Saturday	07:00	23:30*

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		<table border="1"> <thead> <tr> <th colspan="3" data-bbox="846 448 1554 483"><b>Hours premises open to the public</b></th> </tr> <tr> <th data-bbox="846 483 1272 518"><b>Day</b></th> <th data-bbox="1272 483 1406 518"><b>Start</b></th> <th data-bbox="1406 483 1554 518"><b>Finish</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="846 518 1272 553">Sunday to Thursday</td> <td data-bbox="1272 518 1406 553">07:00</td> <td data-bbox="1406 518 1554 553">23:30</td> </tr> <tr> <td data-bbox="846 553 1272 588">Friday &amp; Saturday</td> <td data-bbox="1272 553 1406 588">07:00</td> <td data-bbox="1406 553 1554 588">00:00*</td> </tr> </tbody> </table> <p data-bbox="846 624 2098 691">* The applicant modified the terminal hour from the originally sought terminal hours subsequent to an intervention by Havering’s Environmental Health team during the consultation period.</p> <p data-bbox="846 724 1503 759"><b>Comments and observations on the application</b></p> <p data-bbox="846 793 2063 828">The applicant acted in accordance with regulation relating to the advertising of the application.</p> <p data-bbox="846 861 976 896"><b>Summary</b></p> <p data-bbox="846 930 1928 997">There were six representations against this application from residents in the vicinity. There were no representations against this application from responsible authorities.</p> <ol data-bbox="891 1062 2098 1385" style="list-style-type: none"> <li data-bbox="891 1062 2098 1209">1. The Sub-Committee have considered an application for a new premises licence for Nero Lounge, situated at 1 Halewood Way Rainham RM13 8QZ, and representations against the application had been received from six residents in the local vicinity.</li> <li data-bbox="891 1244 2098 1385">2. The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State’s National Guidance created under S182 of the Licensing Act and the Council’s own Statement of Licensing Policy when making a determination.</li> </ol>	<b>Hours premises open to the public</b>			<b>Day</b>	<b>Start</b>	<b>Finish</b>	Sunday to Thursday	07:00	23:30	Friday & Saturday	07:00	00:00*
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		<p>3. Where relevant representations are made, the authority must hold a hearing and then take such steps, as it considers necessary for the promotion of the licensing objectives (section 18(3), LA 2003). These steps may include granting the application, rejecting the application, or modifying the conditions to the extent that the authority considers necessary for the promotion of the licensing objectives</p> <p><u>Decision: granted:</u></p> <ol style="list-style-type: none"> <li>1. The members noted that no Responsible Authority made representations against the application. The members were cognisant of the Secretary of States' Section S182 guidance which states the police are the member's main source of advice in regards to crime and disorder and therefore having received no representations from the police, they deem that the police are satisfied that granting of the licence will not undermine any of the four licensing objectives. In addition the members noted that the Council's Environmental Health team had intervened which resulted in the applicant reducing the licensable hours sought in their application.</li> <li>2. During the hearing, the members noted that none of the residents attended the hearing and that five of six residents shared identical representations. The members found their non-attendance regrettable as the residents effectively forfeited their right to expand on their representations, or, to answer any clarification questions that the members may have asked. The members did however read all written representations submitted by the residents and were alive to the potential noise nuisance that the premises may cause if the licence</li> </ol>

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		<p>is granted.</p> <ol style="list-style-type: none"> <li data-bbox="891 528 2078 778">3. The members reminded themselves that their determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Therefore, the members were aware that must assess any representation by reconciling the evidence presented in representations against the four licensing objectives. The members found that there was no material evidence presented by the residents that granting of this licence will undermine any of the licensing objectives.</li> <li data-bbox="891 820 2078 1070">4. During the hearing, the members heard from the applicant who explained that the premises would operate as restaurant and on sales of alcohol will be restricted to seated customers taking a substantial table meal. It was further explained that there will be no self-service of alcohol and the designated bar on premises' plan is for customers to have non-alcoholic drinks, such as coffee, whilst waiting for a table. This reassured the members that the premises would not evolve to stand up bar or something of similar nature.</li> <li data-bbox="891 1150 2078 1326">5. The members found that the conditions stipulated in the applicant's operating schedule are robust and appropriate. The members also welcomed the applicant's willingness to agree to further conditions during the hearings. The spirit of the conditions are to prevent noise nuisance that may be caused to the residents.</li> </ol>

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		<p>6. The members noted that upon questioning the applicant, he demonstrated good competency as a potential premises licence holder. The members also found that the applicant is open and willing to work with Responsible Authorities, as demonstrated by his application reducing the hours sought in the original application following intervention by the Council’s Environmental Health team. The members also were pleased to be informed that the applicant had written to local residents inviting discussions with him when applying for a licence. These actions instilled confidence to the members and the applicant demonstrated a good understanding of the licensing regime and the importance of collaborative working to promote the licensing objectives.</p> <p>7. Having heard all written and oral representations, the members found that the applicant’s application for a premises licence would not undermine the four licensing objectives.</p> <p>8. Therefore, the licence is granted as follows;</p> <p><b><u>Licensable Activities:</u></b></p> <p><u>Premises opening and closing times:</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday 07:00 to 23:30</li> <li>• Friday &amp; Saturday 07:00 to 00:00</li> </ul>

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		<p><u>The Provision of supply of alcohol (consumption on and off)</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday 11:00 to 23:00</li> <li>• Friday &amp; Saturday 11:00 to 23:30</li> </ul> <p><u>Live music, recorded music, late night refreshment</u></p> <ul style="list-style-type: none"> <li>• Friday &amp; Saturday 23:00 to 23:30</li> </ul> <p><u>Conditions consistent with the Operating schedule:</u></p> <ol style="list-style-type: none"> <li>1. The CCTV system at the premises shall be maintained in working condition and shall record during the hours for licensable activities. Recordings shall be retained for a minimum of 31 days and shall be made available to Police or Local Authority officers on request and shall be capable of identification and of evidential quality in any light conditions.</li> <li>2. The equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an 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. If this format is non-standard (i.e. manufacturers proprietary), then the licence holder shall within 14 days of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and officers of the Council on a standard computer. Copies shall be made available to the police and officers of the Council on request, or within 24 hours.</li> </ol>
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		<ol style="list-style-type: none"> <li>3. Staff working at the premises shall be trained in the use of the equipment and a log will be kept to verify this. At least one member of staff, so trained, shall be present at the premises at all times when it is open for licensable activities.</li> <li>4. 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 and of evidential quality in any light conditions.</li> <li>5. There shall be signs displayed in the customer area to advise that CCTV is in operation. Should the CCTV become non-functional this shall be reported immediately to the Licensing Authority and the problem rectified as soon as practicable.</li> <li>6. CCTV cameras shall monitor all areas of the premises that are accessible to members of the public including the area immediately outside the premises to monitor numbers and prevent crime and disorder.</li> <li>7. The premises shall operate as a bona fide restaurant where the sale of alcohol is strictly ancillary to food.</li> <li>8. The sale of alcohol in the restaurant shall only be by waiting staff to seated customers taking a substantial table meal from the menu.</li> <li>9. No vertical drinking or drinking at the bar / servery shall be permitted.</li> <li>10.No off sales shall be permitted from the restaurant except in sealed containers to</li> </ol>

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		<p>customers collecting a substantial order of food or for delivery to a genuine residential or business address with a substantial order of food.</p> <p>11. Customers shall be permitted to take home a part consumed bottle of wine provided it is corked or otherwise sealed.</p> <p>12. No glasses, bottles, or drinks shall be removed from the premises at any time except for off sales of alcohol as permitted under condition 11.</p> <p>13. An incident log book shall be kept at the premises for at least 12 months, and made available on request to Police Officers or Authorised Officers which will record the following:</p> <ul style="list-style-type: none"> <li>(a) all crimes reported to the premises, or by the premises to Police;</li> <li>(b) all ejections of patrons;</li> <li>(c) any incidents of disorder;</li> <li>(d) complaints received and the outcome;</li> <li>(e) any seizure of drugs or offensive weapons;</li> <li>(f) any failures or faults with the CCTV system;</li> <li>(g) Any visits by Police or other Emergency Services. Where Police are called the CAD number shall be obtained and recorded in the Incident Book.</li> </ul> <p>14. Front of house / waiting staff shall be trained on induction and given refresher training at six monthly intervals for their role, including in the operation of the CCTV system &amp; downloading images &amp; the operation of Challenge 25. Training shall include identifying persons under 25, making a challenge, acceptable proof</p>



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		<p>of age and checking it, making and recording a refusal, avoiding sales to intoxicated persons or those under the influence of illegal drugs, avoiding proxy sales, avoiding conflict, responsible alcohol retailing and safeguarding children, vulnerable people, girls &amp; women. Written training records shall be kept for each member of staff.</p> <p>15. Notices shall also be prominently displayed by the entry/ exit door and bar / servery (as appropriate) advising customers that</p> <ul style="list-style-type: none"> <li>a) That CCTV &amp; Challenge 25 are in operation;</li> <li>b) Advising customers of the provisions of The Licensing Act regarding underage and proxy sales;</li> <li>c) Of the permitted hours for licensable activities, last order times &amp; the opening times of the premises;</li> <li>d) That no drinks, bottles or glasses shall be removed from the premises;</li> <li>e) That no off sales shall be permitted from the restaurant except with customer collections &amp; home deliveries of a substantial food order;</li> <li>f) To respect residents and leave the premises &amp; vicinity quietly and quickly, not to loiter outside the premises and not to talk loudly when outside smoking;</li> <li>g) That no more than six (6) customers at a time shall be permitted in the smoking area outside the premises.</li> </ul> <p>16. From the end of permitted licensed hours and throughout the consumption period and until all customers have left the premises, a nominated member of staff tasked for this purpose shall take a proactive role and stand on the exit door asking</p>

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		<p>customers to leave the premises and area quietly and as quickly as possible. The nominated Staff Member shall ensure that customers do not take any bottles, glasses or drinks from the premises (except as permitted under condition 11) when departing and monitor the frontage to ensure people do not loiter outside.</p> <p>17.The premises licence holder or DPS shall undertake an ongoing daily risk assessment, taking into account any local events taking place or advice received from The Metropolitan Police Service to identify adequate staffing levels &amp; any need for SIA Licensed Door Supervisors to be in attendance.</p> <p>18. Alcohol shall only be ordered by &amp; collected by or delivered to a person ordering a substantive meal with a minimum spend of £8.00. Customers placing orders for delivery shall be asked to confirm that they are over 18 when placing the order. A valid residential or business address shall be provided at the time of ordering for deliveries.</p> <p>19. A maximum of eight (8) cans / bottles of beer and or two (2) bottles of wine shall be delivered to any address per order.</p> <p>20. All orders for home delivery including alcohol shall be placed by phone or by internet order.</p> <p>21. Alcohol for delivery shall only be delivered to the residential or business address given at the time of order. No alcohol shall be delivered to any person in a park, street, vehicle or open place.</p>
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		<p>22. Home deliveries of alcohol shall only be made by delivery company`s with an age verification policy in place, a copy of which shall be provided to the premises licence holder or by the restaurant`s own trained drivers.</p> <p>23. Delivery drivers or riders shall be asked to turn off their engines and wait in the restaurant between orders. All drivers / riders making deliveries will be told to turn off their engines, not play loud music &amp; keep noise to a minimum outside the restaurant and at delivery addresses.</p> <p>24. A Fire Risk Assessment &amp; Emergency Plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.</p> <p>25. No more than six (6) customers at a time shall be permitted in the smoking area outside the premises. Smokers shall not take drinks, glasses or bottles outside at any time. A suitable container shall be provided for smokers to use and shall be regularly emptied.</p> <p>26. Staff shall monitor the outside of the restaurant by CCTV and physical checks to ensure that customers outside smoking do not make excessive noise, that a maximum of 6 (six) smokers are allowed outside smoking at any time and to ensure that bottles, glasses or drinks are not permitted to be taken outside the premises at any time.</p> <p>27. No deliveries shall be received or rubbish including bottles or glass removed from the premises between 20.00 &amp; 07.00.</p>

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		<p>28.No music shall be audible at the boundary of any noise sensitive premises.</p> <p>29.The area outside of the premises shall be kept tidy at all times and be swept at close.</p> <p>30.A phone number shall be displayed for residents to contact the business with any concerns. Details of complaints &amp; actions taken by the management shall be included in the incident book.</p> <p>31.The Premises shall implement a “Challenge 25” policy whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, photographic driving licence, UK Armed Forces photographic identity card or Proof of Age Scheme (P.A.S.S) approved identification with the PASS hologram on it before alcohol can be purchased.</p> <p>32.A written refusals record shall be kept detailing all refused sales of alcohol. The refusals record shall include the date and time of the refused sale, brief description of the customer &amp; what they attempted to purchase and the name of the member of staff who refused the sale. The record shall be kept as part of the Incident Book and be available for inspection at the premises by the Police or an Authorised Officer at all times whilst the premises is open.</p> <p>33.Unaccompanied children under the age of 16 shall not be permitted to enter or remain on the premises after 20:00 hours.</p> <p>34.No child or young person under 18 shall be permitted to consume alcohol on the</p>
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		<p>premises at any time.</p> <p><u>Conditions proposed by applicant during hearing and/or imposed by members</u></p> <p>35. Unless contrary to fire precautions/procedures, all access and egress doors and windows shall be kept closed whilst the licence is in use.</p> <p>36. A noise limiter shall be installed at the premises through which all amplified entertainment, including music, shall be played. The noise limiter shall be set in conjunction with an Environmental Health officer from the Local Authority. The noise limiter shall be kept in a locked place to which only the premises licence holder or DPS shall have access. Environmental Health Officers from the Local Authority shall be given access to the noise limiter upon request.</p> <p>37. The dedicated smoking area must be designated in an area that is visible to staff members at all times when the premises is open so that staff members can monitor the smoking area as required to do so pursuant to conditions 25 and 26.</p> <p><b>Right of Appeal</b></p>

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		<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> <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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A2		