

Licensing Sub-Committee

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Havering
LONDON BOROUGH

Section 1

Licensing Officer's Report



LICENSING SUB-COMMITTEE

REPORT

18 July 2013

Subject heading:

**New Porky's
Unit1 Manor Way Business Centre
Marsh Way Rainham RM13 8UG
Premises licence review
Paul Jones, Licensing Officer
Mercury House, ext. 2692**

Report author and contact details:

This application to review a premises licence is made under section 167 of the Licensing Act 2003 (*the Act*) by Licensing Officer Arthur Hunt on behalf of the London Borough of Havering's Licensing Authority. The application was submitted on 24th June 2013.

Premises' details

New Porky's is located at the entrance to Fairview Industrial Park which is in turn located on the outskirts of Rainham. This isolated industrial estate is approximately one kilometre from the nearest residential properties.

Application to review

Licensing Officer Arthur Hunt submits this application to review *New Porky's* premises licence, numbered 3316, in accordance with the provisions of s.167 of the Act. This section is enacted following a closure order made by the Metropolitan Police under s.161 and subsequently considered by Redbridge Magistrates' Court under the provisions of s.165 of the Act.

A s.161 closure order was made against *New Porky's* by the Metropolitan Police on 14th April 2013. The following day, as required, the Metropolitan Police attended Redbridge Magistrates' Court to apply for the court to consider the closure notice in accordance with its duty under s.165. The court considered the closure order and determined that it would not exercise any of its rights to further modify the notice under this section. The closure notice therefore expired 24 hours after its initial service.

S.165(4) requires the court to notify the Licensing Authority of its determination; however, this notification was not supplied to Havering until 21st June 2013. It was upon the receipt of the court's notification that this review process commenced.

Requirements upon the Licensing Authority

The provisions of s.167(4) of the Act dictate that the Licensing Authority undertakes certain functions with regard to an application made under this section. To this end the Licensing Authority gave a copy of the application to the premises licence holder and each responsible authority. It also installed an appropriately worded public notice advertising this application at the premises, at Havering Town Hall and on Havering's website inviting interested persons and responsible authorities to make representations against, or in support of, the application in accordance with appropriate premises licence regulations 37, 38 and 39.

When determining an application for a premises licence review made after a s.161 closure notice has been made s.167 of the Act requires that the relevant Licensing Authority holds a hearing to consider the closure order and any relevant representations made. A 'relevant representation' in such circumstances is one which is made by the premises licence holder, a responsible authority or an interested person within the consultation period and which is relevant to one or more of the licensing objectives. During the hearing the Licensing Authority must take any of the following steps it considers necessary to promote the licensing objectives. These steps are:

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months
- (e) to revoke the licence

(NB With reference to (a) the premises plans form a condition of the premises licence.)

Representations

Although the premises licence holder is entitled to submit a representation to support his position he chose not to do so.

Two representations supporting this application were received from interested persons. The first of these two representations was made on behalf of Security Projects UK Ltd which operates the security team on Fairview Industrial Park. The second of these representations was made on behalf of Racefold Ltd which is the management company of the same industrial park. Both representations detail numerous issues in relation to the prevention of crime and disorder, the prevention of public nuisance and public safety.

Inspector Maxine Blackledge made representation in support of this review application on behalf of the Metropolitan Police. Inspector Blackledge's representation is based upon the prevention of crime and disorder and public safety licensing objectives. Inspector Blackledge's representation suggests that the hours on the licence should be reduced from their current terminal hour of 03:00 to 00:30. Inspector Blackledge also suggests a series of conditions which should be modified to Police requirements.

Licensing Sub-Committee, 18 July 2013

Licensing Specialist Paul Campbell made representation in support of this review application on behalf of Havering's Licensing Authority. The representation is based upon three of the licensing objectives. Mr Campbell's view is that the premises licence for this venue should be revoked.

Mr Campbell further advises that if the Licensing Sub-Committee is not minded to revoke the licence a series of stringent modifications to the licence should be imposed. These include restricting the premises' licensable area to the ground floor only, requiring that alcohol is supplied only to individuals who purchase a table meal, imposing a terminal hour of 18:00 for the provision of licensable activity and removing the current DPS from this role.

Copies of all representations and supporting documentation are attached for reference.

Paul Jones
Licensing Officer



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Appendix 1

Copy of Premises Licence,
including location map



Premises licence number

003316

Part 1 – Premises details

Postal address of premises

**New Porky's
Unit 1 Manor Way Business Centre Marsh Way Rainham RM13 8UG**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

**Indoor sporting events, live music, recorded music, performances of dance,
provision of facilities for making music, provision of facilities for dancing,
late night refreshment, supply of alcohol**

The times the licence authorises the carrying out of licensable activities

Indoor sporting events

**Monday to Thursday – 10:00 to 00:00
Friday & Saturday – 10:00 to 01:00
Sunday – 10:00 to 22:00**

Live music

Monday to Sunday – 19:00 to 01:00

Recorded music

Monday to Sunday – 19:00 to 03:00

Performances of dance, provision of facilities for dancing

**Monday to Saturday – 19:00 to 03:00
Sunday – 19:00 to 01:00**

Provision of facilities for making music

**Sunday to Thursday – 10:00 to 00:00
Friday & Saturday – 10:00 to 01:00**

Late night refreshment

**Monday to Saturday – 23:00 to 03:00
Sunday – 23:00 to 01:00**

The times the licence authorises the carrying out of licensable activities – contd.

Supply of alcohol
Monday to Sunday – 10:00 to 03:00

The opening hours of the premises

Monday to Sunday – 10:00 to 03:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On supplies only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Amrik Basi
1 Brown's Cottages Clockhouse Lane North Stifford Grays RM16 5UN
07841 487847 / mik@bas1embroidery.com

Registered number of holder

Not applicable

Name and address of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Amrik Basi
1 Brown's Cottages Clockhouse Lane North Stifford Grays RM16 5UN

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

1918 – London Borough of Havering

Mandatory conditions

1. **No supply of alcohol may be made under the Premises Licence -**
 - (a) **at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or**
 - (b) **at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.**
2. **Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.**
3. (1) **The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

- (2) In this paragraph, an irresponsible promotion means any one or more of the following : activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Mandatory conditions – contd.

- 7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.**
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 8. If at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.**

Annex 2 – Conditions consistent with the operating schedule

- 1. The CCTV system shall be in operation at the premises at all times when the premises is used for licensable activity. Recorded images shall be kept for twenty-eight days and be made available for inspection by Police and Council officers at all reasonable times.**
- 2. Staff shall be trained with regard to the prevention of crime and disorder, public safety, the premises' anti-drug policy and first aid.**
- 3. Clear signage shall be displayed on the premises relating to under-age drinking, the unlawful use of drugs and the admission of children to the premises.**
- 4. A premises' representative shall attend Havering's 'Pubwatch' meetings.**
- 5. The premises shall stock low-alcoholic drinks and non-alcoholic drinks.**
- 6. Risk assessments in relation to public safety and the prevention of public nuisance shall be carried out at regular intervals.**
- 7. The premises licence holder shall ensure that premises' customers and the general public are made aware that they shall be automatically barred from the premises if found to be causing a nuisance.**
- 8. No children shall be admitted to the premises after 14:00 under any circumstances.**
- 9. Children may be admitted to the premises between the hours of 11:00 and 14:00 when accompanied by a responsible adult.**
- 10. The premises shall have blinds installed to prevent individuals outside the premises viewing the inside of the premises.**
- 11. All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.**
- 12. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a minimum of twelve 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 and 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. The premises daily register shall also record all incidents in relation to the use of any force by staff or door supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed and details of the staff involved.**

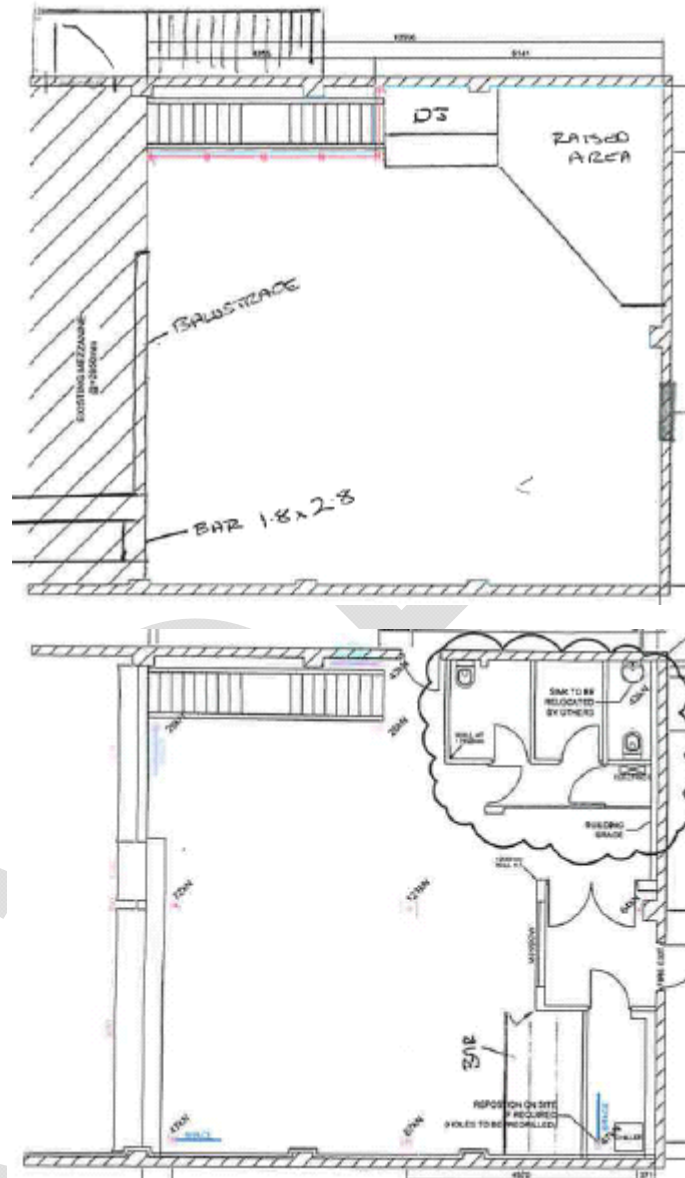
13. All door supervisors shall enter their full details in the premises daily register at the commencement of work. This shall record their full name, home address, contact telephone number, the door supervisor's SIA registration number and the time they commenced and concluded working. If the door supervisor was supplied by an agency details of that agency shall also be recorded including the name of the agency, the registered business address and a contact telephone number.
14. The premises licence holder shall supply to the Police a written risk assessment detailing the maximum capacity figure which shall include all staff and entertainers the applicant intends to permit on the premises at any given time.
15. Drinks shall be served in containers made from toughened glass (tempered glassware). *Note: Weights and Measures legislation requires the use of 'stamped glasses' where 'meter-measuring equipment' is not is use.*
16. The premises licence holder shall implement a written drugs policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The drugs policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises which shall be delivered to all staff. This policy shall be approved in writing by Havering DAAT.
17. The designated premises supervisor shall hold a Certificate of Drugs Awareness qualification run by the BII or Havering DAAT.
18. All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effects of drugs and alcohol.
19. 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.
20. The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;
 - Site plan showing position of cameras and their field of view.
 - Code of Practice.
 - Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position.
 - Operational requirement.
 - Incident log.
 - Maintenance records including weekly visual checks.
21. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises should be asked to remove headwear unless worn as part of religious observance.

22. 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 will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.
23. The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.
24. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
25. At least one trained first-aider shall be on duty when the public are present.
26. Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.
27. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of twenty-one years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
28. The premises licence holder shall adopt and support the 'Challenge 21' scheme and accept passport and photographic driving licence identification.
29. SIA registered door supervisors shall be employed whenever the premises remains open for licensable activity after 23:00. The downstairs restaurant/bar area is subject to an ongoing and continuous risk assessment with regard to the use of door supervisors in partnership with the Police and Local Authority. The aforementioned use of door supervisors is a requirement for the upstairs area.
30. The premises licence 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, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.
31. Premises' management shall ensure that patrons are in a suitable condition to travel safely from the venue. This policy may be highlighted by displaying appropriate notices to patrons on leaving the premises.
32. A capacity limit of sixty persons shall be adhered to on the first floor until such times the LFEPA provide written instructions amending the limit.
33. The premises licence holder shall ensure sufficient numbers of staff are on duty at all times on the ground and first floor when in use.
34. The premises licence holder shall ensure the fire alarm and detection systems are fully functional at all times.
35. The premises licence holder shall comply fully with the Enforcement Notice issued by the LFEPA by 16th December 2010.

Not applicable

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:





Part B

Premises licence summary

Premises licence number

003316

Premises details

Postal address of premises

New Porky's
Unit 1 Manor Way Business Centre Marsh Way Rainham RM13 8UG

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Indoor sporting events, live music, recorded music, performances of dance,
provision of facilities for making music, provision of facilities for dancing,
late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Indoor sporting events

Monday to Thursday – 10:00 to 00:00

Friday & Saturday – 10:00 to 01:00

Sunday – 10:00 to 22:00

Live music

Monday to Sunday – 19:00 to 01:00

Recorded music

Monday to Sunday – 19:00 to 03:00

Performances of dance, provision of facilities for dancing

Monday to Saturday – 19:00 to 03:00

Sunday – 19:00 to 01:00

Provision of facilities for making music

Sunday to Thursday – 10:00 to 00:00

Friday & Saturday – 10:00 to 01:00

Late night refreshment

Monday to Saturday – 23:00 to 03:00

Sunday – 23:00 to 01:00

The times the licence authorises the carrying out of licensable activities – contd.

Supply of alcohol
Monday to Sunday – 10:00 to 03:00

The opening hours of the premises

Monday to Sunday – 10:00 to 03:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On supplies only

Name, (registered) address of holder of premises licence

Mr Amrik Basi
1 Brown's Cottages Clockhouse Lane North Stifford Grays RM16 5UN

Registered number of holder

Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Amrik Basi

State whether access to the premises by children is restricted or prohibited

Restricted

2 of 2



New Porky's








Scale: 1:5000
Date: 02 July 2013
Size: A4





London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2013)



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Appendix 2

Copy of Application



CHIEF SUPERINTENDENT
Re. Porky's

Case number: **011301048083**

Orders

The court has heard the matters shown below and made the orders listed.

Date: 15 April 2013

J.Vantyghem

Justices' Clerk

Matters and orders

011301048083/1
Application to consider a closure order.
In accordance with section 164 of the Licensing Act 2003.

It is ordered that Section 165 Closure Order considered. Section 165(b) District Judge determined not to exercise any of those powers.

CHIEF SUPERINTENDENT

Re. Porky's

Case Number: **1301048083**

Defendant Present: No

Informant: MPKD MPS Havering CJU

Officer in case: PC 695 GOODWIN KD

Post-Hearing Custody Status:

- 1 **LG03503**
Application to consider a closure order.
In accordance with section 164 of the Licensing Act 2003.

ORD
It is ordered that Section 165 Closure Order considered. Section 165(b) District Judge determined not to exercise any of those powers.

- 2 **LG64653**
Application to consider a closure order made on 14/04/2013 in respect of New Porky's, Unit 1, Manor Business Way Centre, Marsh Way, Rainham, Essex, RM13 8UG .
In accordance with section 179B of the Licensing Act 1964.

ERR
Entered in error. Incorrect offence entered

I certify the above extract to be a true copy

Date Printed: 21/06/2013 _____ of the said Magistrates' Court.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Arthur Hunt

(Insert name of applicant)

apply for the review of a premises licence under section 167 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description New Porkys Unit 1, Manor Way Business centre, Marsh Way	
Post town Rainham	Post code (if known) RM13 8UG

Name of premises licence holder or club holding club premises certificate (if known) Mr Amrik Basi
--

Number of premises licence or club premises certificate (if known) 3316

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)



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(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Licensing Authority
London Borough of Havering
5th Floor
Mercury House
Mercury Gardens
Romford
RM1 1LS

Telephone number (if any)

01708 432777

E-mail address (optional)

licensing@havering.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

On the 14 April 2013 Police were called to the premises on a number of occasions following calls made by members of the public.

As a consequence the senior officer at the scene decided to utilise their powers under S 161 Licensing Act 2003 and closed the premises.

On the 15 April Police attended Redbridge Magistrates Court and the closure was heard. The court decided not to extend the closure but ratified the decision of the Police in the initial instance.

S167 Licensing Act 2003 states:-

Review of premises licence following closure order

(1) This section applies where—

(a) a closure order has come into force in relation to premises in respect of which a premises licence has effect, and

(b) the relevant licensing authority has received a notice under section 165(4) (notice of magistrates' court's determination), in relation to the order and any extension of it.

(2) The relevant licensing authority must review the premises licence.

(3) The authority must reach a determination on the review no later than 28 days after the day on which it receives the notice mentioned in subsection (1)(b).

Following the hearing, there have been extensive enquiries with the court with regards to S167 (1) (b). Initially the court were unable to confirm the court appearance. Subsequently on the 21 June 2013 documentation arrived with Havering's Legal and Democratic services.



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Please provide as much information as possible to support the application (please read guidance note 3)



Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

┆	┆	┆	┆	┆	┆	┆	┆	┆
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If you have made representations before relating to the premises please state what they were and when you made them



Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **24 June 2013**

Capacity **Licensing Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



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**LICENSING ACT 2003
APPLICATION FOR PREMISES LICENCE
REVIEW**

**New Porkys, Unit 1 Manor Way Business Centre,
Marsh Way, Rainham, RM13 8UG**

Notice is hereby given that an application has been made by the Licensing Authority of the London Borough of Havering for a review of the above premises licence.

GROUNDS FOR REVIEW

An application is made under the “Crime and Disorder” Licensing Objective. On the 14th April 2013 following several reports of disturbances at or near the premises, the police exercised their powers under section 161 Licensing Act to close the premises. This was later reviewed before Redbridge Magistrates Court. Under section 167 Licensing Act, the Licensing Authority must review the premises licence.

Any interested party or responsible authority wishing to make representation on this matter must do so in writing to: Licensing Section, 5th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL between 24 June and 8 July 2013.

The public register of Havering’s Licensing Authority containing the grounds for this review may be inspected by appointment at the above address by telephoning 01708 432777 Monday to Friday 09:00hrs to 17:00hrs or at www.havering.gov.uk.

It is an offence to knowingly or recklessly make a false statement in connection with an application for a review. On summary conviction a person is liable to a fine not exceeding level 5 on the standard scale (currently £5000).



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Section 3

Valid Representations

**KD - Havering Borough
KD - Romford Police Station**

Licensing Authority
London Borough Of Havering
Mercury House
Mercury gardens
RM1 3SL

Romford Police Station
19 Main Road
Romford
RM1 3BJ
Telephone: 0203 276 2804
Facsimile:
Email:
Maxine.Blackledge2@met.police.uk
www.met.police.uk

Your ref:
Our ref: New Porkys variation 12564
6th July 2013

Police request Havering Licensing Committee to consider the following in respect of the review hearing for New Porky's Unit, 1 Manor Way, Business centre Marsh Way, Rainham RM13 8UG.

Police request a reduction in the times for licensable activity as detailed below.

Reduction in opening hours from 0300 to 0100.
Reduction in supply of alcohol from 0300 to 0030 hours.
Reduction in recorded music from 0300 to 0030 hours.
Reduction in late night refreshment from 0300 to 0030 hours
Reduction in performance of dance, provision of facilities for dancing from 0300 to 0030 hours

Police believe that a reduction in hours will address the increase of crime and disorder associated with the premise and increase public safety.

The following information is recorded against the premise.

Police have received information via crime stoppers regarding the sale of alcohol outside of the licensed hours. This information is further supported by police being called to the premises on 10th December 2012 at 0415hrs regarding a disturbance, on 31st December 2012 at 0625hrs regarding noise disturbance and again on the 19th January 2013 regarding an allegation of assault involving the door staff at 0320hrs. Police have also received information that customers are often known to drive from the premises under the influence of alcohol.

The local Safer Neighbourhood team have been made aware of complaints of people leaving New Porky's and urinating on nearby premises and an increase of litter from discarded plastic cups.

On 24th February 2013 0450hrs I conducted a licensing visit. I saw vehicles double parked on the carriageway to the side entrance causing an obstruction. The car park directly outside the front entrance was again filled to capacity with vehicles double parked. I observed drivers of vehicles remonstrating with each other in order to manoeuvre their vehicles. I believe that London Fire Brigade and London Ambulance would have difficulty gaining vehicular access in the case of an emergency. This

presents a public safety issue to persons within the premise and indeed other users of the industrial estate.

There were approximately 15 people queuing to gain access to the front of the premise. I observed them pushing towards the singular door, trying to get past the door supervisor. I spoke to the door supervisor who did not hold an SIA badge who confirmed that the premise usually stays open until 0500hrs. There were other members of staff within the lobby area, some of which held SIA badges.

The music was still playing and could be heard from outside.

I spoke to Richard Spooner the manager of the premises. I highlighted the following concerns.

- 1) Licensable activity was being conducted past the licensed hours of 0300 finish.
- 2) One door supervisor controlling the front door was insufficient given the nature of those in the queue.
- 3) Front door supervisor had no means of keeping count of the number of customers entering / exiting the premise. This carries risk of exceeding the maximum capacity.
- 4) All door supervisors must be licensed by the Security Industry Authority.
- 5) The side entrance which provides a smoking area is unsupervised and vulnerable to customers entering unnoticed which again provides risk to capacity issues.
- 6) The SIA log produced by Mr Spooner was inadequate. It was a note pad with perforated sleeves. The only record made was forenames recorded on the corner of the page.

I conducted a second licensing visit on Sunday 17th March at 0330 hours and again spoke with Richard Spooner. The premise was closed although there were a number of people on the premise who Mr Spooner stated were staff members.

Cad 1459/14Apr13 refers to a call stating a doorman from the premise had smashed the window of a parked vehicle.

Cad 1463/14Apr13 female calls for police to venue, disturbance heard in background, line clears.

Police attend and the premise was closed by Inspector Lorraine Cowley using section 161 Licensing Act 2003. Inspector Cowley provides a statement which evidences the premise undermining the licensing objectives of prevention of crime and disorder, public safety and prevention of public nuisance. For example, SIA door supervisors not displaying their identity badges, witnessing heated arguments between customers on the premise, customers preparing to fight and drunkenness.

The police believe that if all of the above incidents are considered collectively and that all the incidents have been generated within a four month period, this supports the police request to reduce the licensable hours of this premise.

Police also request a review of condition 14 - annex 2, to include 2 further conditions in relation to organised events.

CD42 - The licensee shall undertake a risk assessment of any promotion or event using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

CD43 - Where an 'event' has taken place, the licensee shall complete an MPS after Promotion/Event Debrief Risk Assessment (Form 696A) and

submit this* to the Metropolitan Police and the Licensing Authority within 3 days of the conclusion of the event.

***submission of electronic documents by e-mail is preferred.**

Police request an amendment to condition 32 - annex 2 to include a counting system to monitor attendance on first floor.

The licensee shall install a monitoring system / device to maintain a current count of all persons present within the upstairs premise at anyone time during licensable hours. This count will include staff. The total count is not to exceed the capacity limit given by the LFEPA. This count shall be given to police and local authority upon request.

If I can be of any further assistance in this matter please do not hesitate to contact me in the licensing office.

Yours sincerely,

Maxine Blackledge
Licensing Officer
Havering Borough



Havering

LONDON BOROUGH

Public Protection

London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Havering Licensing Authority
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 432766
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email: paul.campbell@havering.gov.uk
Textphone ☎: 01708 433175

Date: 3rd July 2013

My Reference: PPC/012873

New Porky's, Unit 1, Manor Way Business Centre, Marsh Way, Rainham, RM13 8UG

As a responsible authority within the definitions of this Act this Licensing Authority makes representation in support of the review against the premises detailed above.

My representation to support the review is based on the four licensing objectives, the premises has **Crime and Disorder** matters already directly related to it there has been reports of fights at the premises, the premises have been illegally operating outside of their licensed times, licensing conditions on the Premises Licence have not been kept to, vehicles leaving the premise have been involved in accidents and drink driving. **Public Safety** persons that have been drinking at the premises have been found wandering around the industrial estate where vehicle and commercial equipment is being used. **Public Nuisance** There have been reports of customers of the venue urinating against the doorways of neighbouring units also of customers going into other business premises.

In the recent application made to extend the licensing hours at the premises the applicant made no reference in the application to

- Minimum staffing levels for the later hour,
- How they propose to deal with late comers to the venue who may already be under the influence of alcohol.
- If there is an incident how they will deal with it,
- If there will be a searching policy at the premises
- What they will do with any illegal items seized
- How they will deal with parking on the estate to the later hour where persons arriving for an early start at work will need access.
- How they will restrict the number of persons to the first floor.
- How will they try to prevent persons driving if they have had too much to drink
- How will they try to prevent their customers wandering around the estate
- What additional procedures they will put into place to prevent Crime and Disorder
- What extra measures they will take to promote Public Safety
- How they will prevent Public Nuisance at the later finish time
- How they will maintain the Protection for Children

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All of these points show that the management of the premises do not have a grasp of the requirements of the Licensing Act 2003 which are needed to run a safe premises.

Police closed the premises under their powers because of serious crime and the fear of that escalating, the magistrates upheld the police action as being correct. This premise was being poorly managed and run and I believe my representation will add to that concern.

The premises is situated on a business industrial estate, the only reasonable access to it is by car or taxi, there is no public transport to the area at a late hour.

This premises is very near the boundary of Havering and Dagenham if there are crime and disorder problems at the premises assistance from the police could be a considerable time in arriving at the venue. This matter does not seem to have been taken into consideration by the licence holder in his previous business operations or the fact that they have a duty of care to their customers.

The London Borough of Havering Statement of Licensing Policy states in section 3 that the finish time for regulated activity in mixed use areas is 00.30hrs. The premises licence permitted hours are past this time, the licence holder has operated the premises outside of the licensed times and problems have happened at the premises during these late times.

I bring the Sub-Committee's attention to item 4.5 of the Licensing Policy which states "It is the intention of the LLA to permit licensing hours which enhance the development of a thriving and safe evening and night-time economy" –

This premise is not keeping to its current licence conditions, it is not taking public safety seriously, it is already causing problems to the police and others, it has put no actions forward to me since the closure to make their premises safer or enhance anything to the community.

These premises were in the first instance a café for the use of the industrial estate, late alcohol was introduced for the benefit of lorry drivers sleeping in their cabs when parked on the estate overnight since that time the premises have changed and although a café during the daytime is a night club during the evening.

To assist the Sub-Committee and to see if I could support the recent application to extend their licensing hours I carried out an inspection of the premises.

On Friday 8th March 2013 I telephoned the premises and informed them that I would be carrying out an inspection at the premises on the morning of Monday 11th March 2013 and that I would be reporting my findings to the Licensing Sub-Committee at a future hearing.

As I had informed the premises that I would be making an inspection I was expecting all things to be in order and to be presented to me. I spoke to the manager (Mr Spooner) we discussed the licensed times and the recent police inspection at the premises, he admitted to me that the premises were open past their finish times when the police attended, a reason for this was not given to me.

I went through with him each Mandatory Condition on the licence and was given the assurance that all of these are adhered to.

These are my findings on that date relating to the licence conditions (starting on page 4 of 7 of the Premises licence)

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1. **CCTV** – A CCTV is in operation at the premises and appears to be of a good standard
2. **Staff Training** – I was told that staff are trained regularly but no training records could be produced.
3. **Signage** – Correct – Challenge 21 signage is displayed at the premises
4. **Pubwatch** – The licence holder has not attended the Pubwatch meetings but they may not have been informed of the dates.
5. **Non alcoholic drinks** – Correct – Soft drinks are available.
6. **Public Safety risk assessments** – The manager could not tell me of any risk assessments taken out at the premises.
7. **Customers barred if causing nuisance** – I was told that door staff inform persons of this.
8. **No children after 14.00** – Correct – Children – this was a condition of the licence that the manager wishes to remove or alter but no reference to this is made in the previous application.
9. **Children must be accompanied** – Correct – Children – this was a condition of the licence that the manager wishes to remove or alter but no reference to this is made in the previous application.
10. **Vision from outside** – Correct – Vision – the premises can not be viewed from outside
11. **Training** – I was told this was taking place but no training records could be produced.
12. **Daily Register** – There was no daily register in place at the premises the manager and I discussed at length how this can be done.
13. **Door supervisors register** – There was some records of door supervisors in a separate book but did not cover the previous year.
14. **Police risk assessment** – There was no record that this had been done.
15. **Toughened Glass** – The glassware behind the bar was not toughened glass.
16. **Drugs policy** – There was no record that this had been done.
17. **Drugs Awareness Qualification** – There was no record that this had been done.
18. **Training relating to persons incapacitated through drink or drugs** – I was told that this had been done but no training records were available.
19. **CCTV** – Correct – CCTV this appeared to be of a good standard.
20. **CCTV** – Correct – CCTV this appeared to be of a good standard.
21. **CCTV** – Correct – CCTV a camera was positioned by the entrance used by customers.
22. **CCTV** – Correct – CCTV this appeared to be of a good standard.
23. **CCTV system file** – CCTV – There was no systems file showing the position of the CCTV cameras.
24. **First Aid** – Correct – Full first aid equipment was available.
25. **First Aider on site** – I was told that there was a qualified person on site when open to the public.
26. **Notices** – Correct – Notices relating to first aid equipment were on display.
27. **Proof of age** – I was told this was done when the premises is open.
28. **Challenge 21** – Correct – Challenge 21 signs were displayed.
29. **Door Staff** – I was told that SIA door staff were employed when the premises were open at night.
30. **Dispersal policy** – No policy was available for me to inspect.
31. **Travel safety** – Signs were in position and I was told that staff also remind people when leaving.

32. **Capacity limit** – The manager told me that this limit was not kept to and could not produce any alteration from the Fire Service to alter the limit of 60 persons on the first floor.
33. **Number of staff** – I was told that the correct amount of staff were employed at the premises.
34. **Fire alarm** – Correct – I was told that this was checked on a regular basis.
35. **LFEPA enforcement notice** – This was issued in 2010 I have no records in relation to this matter.

The premises were not operating to the conditions that are on their current licence three of these are high risk for Crime and Disorder –

- Condition 12 – Daily register – this is good practice for any business and especially one involved in alcohol and entertainment. A daily register has not been kept at the premises. No record of complaints has been kept, no record of who was in control of the premises at any date and time, no records of door supervisors removing persons from the premises has been kept. Without this record it seriously restrict the police investigating any crime or a responsible authority following up a complaint or investigation.
- Condition 15 – Drinks all be served in toughened glass – All late night premises serving alcohol in Romford Town Centre use toughened glass or similar this has drastically reduced the incidents of serious injury being caused by glass – all the glasses in the upper floor bar of New Porky's had the potential to be used as a weapon and to cause serious injury.
- Condition 32 – Capacity limit of 60 persons on the first floor – This has not been kept to by the premises, the licence holder has not contacted the Fire Service to alter the number and no reference to it has been made on this application.

The following conditions on the licence 2, 4, 6, 11, 13, 14, 16, 17, 18, 23, 25 and 30 all need to be fully in place and / or improved for the current licence to be considered as an acceptable level.

- This is not a well run premises.
- It has become a late night drinking venue with little regard to its current licensing conditions.
- I have serious concerns over their record keeping relating to assisting the police and other authorities if an incident occurs.
- Public safety is at risk because of their failure to change to toughened glass allowing potential weapons to be readily available.
- The licence holder has not kept to the limit placed on the upper floor by the Fire Service or made any attempt to alter it with them.

If the police had not taken the action they did in closing the premises, a far more serious incident could have easily taken place at the premises with serious injury or worse.

There is little in place at the premises to reduce risk of an incident and if an incident had taken place at the premises apart from the CCTV there would be few records to assist the police and other emergency services with their investigations.

The premises has not kept to its Premise Licence conditions and has been allowed to or encouraged to develop into a late night drinking venue, it has given little regard to public safety, a high level of crime and disorder has taken place at the premises or because of

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the way the premises were conducting their business and public nuisance has taken place interfering with neighbouring properties.

I feel that the correct course of action for the Sub-Committee to take is to revoke the premises licence for this venue.

If the sub-Committee feel it is correct for the ground floor café area to be licensed I would ask that

- The licence is for the ground floor only
- Restaurant conditions are imposed with the need for persons to be taking a table meal to be able to buy and consume alcohol.
- The finish time for such a licence is 18.00hrs
- The DPS is changed from Mr Basi to someone who is working at the premises during the day.



Paul Campbell
Licensing Specialist

Security Projects UK Limited



House Housing & Public Protection
London Borough of Havering
Mercury House, Mercury Gardens
Romford, Essex RM1 3SL.

Ref PPC/012564

3rd July 2013.

Licensing Act 2003
New Porkys Unit 1 Manor Way Business Centre Marsh Way
Rainham Essex RM13 8UG.

Dear Sir/Madam.

I am totally against any late drinking licence for the above venue because of the numerous problems that this has caused my company.
My security guards have been the victim of abuse, walking past people urinating up the sides of buildings that we patrol and other numerous problems that have occurred with people drinking.
And the extra vehicles that have turned up to go to the venue, as many as 100 vehicles parking all over the estate, whilst the venue has only parking for approx, 20 vehicles in total.

I look forward to receiving comments

A handwritten signature in black ink, appearing to read "Mark White".

Best Regards
Mark White.

Riverside Offices,
Unit 3J, Barlow Way,
Fairview Industrial Estate,
Rainham, Essex RM13 8BT

Tel: 0844 846 0247
Fax: 0844 846 0246

info@securityprojectsLtd.co.uk
www.securityprojectsLtd.co.uk

SECURITY REPORTS

02.49. Fri morn 07/12/12

On returning to Fairview I noticed several blue police car lights flashing. (3) in total & 1 ambulance,

I parked my patrol car, & went to a police men to see what had happened. 2 cars have hit each other head on. BMW reg M860 GUA, & Peugeot 406 reg KR05 JOH

Peugeot was heading towards Club,
(taxi driver)
passenger Peugeot unable to move.

BMW coming from Fv is to blame on wrong side of the road. Polish driver from R n H (F I L) yard

Police decided to call fire brigade to remove passenger, From Peugeot

Myself (Mark LRB) &
Kane (Fv mobile) on site

1 patrol car each entrance with Amber lights flashing diverting cars only via CME centre

Fire engines on Marsh Way 03:05

Road reopen 03:30
Police off site 03:47

Due to cars on blind corner, both patrols now parked front and back of smashed cars, as in dangerous blind spot. Asked by police to assist they replied we too busy

Peugeot recovered 03:36
BMW recovered 04:59

Road debris swept by us, & left on bank, all clear 05:07

Mark
LRB

Sunday 9th December 2012 time 04.34

A silver car BK52 VMT hit the out barrier bent it slightly
The car came from porkys night club Then drove off at speed
LRB patrol was informed of had what had happen
LRB on my patrol noticed a car had smashed in to the railing & traffic lights over the bridge to the old A13 (Near Esso garage)
The reg was the same one that was reported to me by Fairview security guard
The Ambulance & police had been called were on they way

Kevin Radford
Operation Manager

SECURITY PROJECTS LTD .UK
3J UNIT BARLOW
WAY

FAIRVIEW INDUSTRIAL ESTATE RAINHAM

ESSEX
RM13 8BT

kevin@securityprojectsltd.co.uk

From: Mark Leonard [mailto:leonardmark52@yahoo.com]
Sent: 01 January 2013 19:08
To: kevin@securityprojectsltd.co.uk
Subject: Fire works FV 31/12/12

Night club Fairview at 23:30 approx 5 cars on site. Most of the cars arrived 02:00 onwards.
When I finished shift there were still cars & taxis arriving 07:10 On the night including taxis 114 cars arrived on Fairview.

Fireworks

Fireworks were let off at 02:55. Approx 5 mins in car park next to NYK

At 04:35

Fireworks were again let off approx 10 mins, rockets were let off also by approach slope to Manor Pk. Video recorded opposite car park in Blackwater Close bottom of Anglia.

I sat there nearly 1 hour as noticed few people staggering around & didn't want them walking around estate.

Whilst driving around just after 06:00
Around Manor business, I noticed several men urinating on shutters / Sportech Ect car park Walls not pleasant for companies on site

The police closed the road off

Last night LRB & Fairview patrols did excellent job last night by escorting traffic through CME centre so the businesses were not affected on the Estate

Driver were Kane White & Mark Leonard (supervisor)

16 February 2013 time 05.30

*I arrived back at Fairview gates house at about 05.30 in the morning
I heard a woman screaming running down the hill towards the gates house
Shouting help me they going to kill my husband
I went with the woman towards porky night club where there was about eight to ten men fighting
some with there shirts off
The women had already called the police
The three police cars turned up the fighting stopped they got in to their taxis & cars cleared off
The police did asked me what time did the club shut I said you have to ask the club owners
Police where not happy*

Kevin Radford
Operation Manager

SECURITY PROJECTS LTD .UK
3J UNIT BARLOW WAY
FAIRVIEW INDUSTRIAL ESTATE
RAINHAM
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RACEFOLD LIMITED

Estate House
Marsh Way
Fairview Industrial Park
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Essex
RM13 8UH
Tel: 01709 520523
Fax: 01709 520524
E-mail: fairview.est@tiscali.co.uk

Date: 3rd July 2013

Our ref: MRD/DML-030713

Your ref: PPC/012564

London Borough of Havering
Licensing Section 5th Floor
Mercury House
Mercury Gardens
Romford
Essex RM1 3SL

For the attention of Mr Paul Campbell

Dear Mr Campbell,

Licensing Act 2003 – Application for Premises Licence Review
New Porkys, unit 1 Manor Way Business Centre, Marsh way Rainham RM13 8UG

We confirm that we own the Management interest of the Fairview Industrial park, which is in excess of 60 acres in size and houses approximately 100 businesses.

We wrote previously re an application to extend the licencing hours expressing significant concerns (copy attached). This application was withdrawn. However, we note that you are undertaking a review of the existing licence at the above premises.

Following police intervention, we understand that there has been little or no late night activity at the premises, and we would also confirm that we are unaware of any incidents having taken place. In effect the site appears to be simply using its “café” licence, and causing no issues.

We believe however, the existing licence still allows late night activity and we remain reticent about this occurring on a regular basis.

Yours sincerely
for Racefold Limited



Miss M R Dixon

RACEFOLD LIMITED

Estate House
Marsh Way
Fairview Industrial Park
Rainham
Essex
RM13 8UH
Tel: 01708 520523
Fax: 01708 520524
E-mail: fairview.est@tiscall.co.uk

Date: 12th March 2013

Our ref: MRD/DM/1-0870313

Your ref: PPC/012564

London Borough of Havering
Homes Housing and Public Protection
Mercury House
Mercury Gardens
Romford
Essex RM1 3SL

For the attention of Mr Paul Campbell

Dear Mr Campbell,

Licensing Act 2003 – Vary Premises Licence Application
New Porkys, unit 1 Manor Way Business Centre, Marsh way Rainham RM13 8UG

We confirm that we own the Management interest of the Fairview Industrial park, which is in excess of 60 acres in size and houses approximately 100 businesses. Therefore, the estate is extremely busy. Some businesses work 24/7, with a continuous movement of heavy goods vehicles. The estate is zoned industrial, therefore access to members of the public is not encouraged!

The estate benefits from a security gatehouse at the entrance to the estate, controlled by a barrier system. We understand that on some occasions up to 200 cars attend the above venue, which causes congestion/hold ups for other estate users. We have received reports from the estate's security that attendees to the venue are often abusive to the static guards, as it is part of the static guard's brief to ask all vehicles entering the estate their intended destination.

We enclose four security incident reports that have arisen as a direct result of New Porkys current late licence, and they have been open less than one year.

Friday 7th December 2012 – 02.49 hours
Serious road accident involving a taxi on its way to New Porkys, which resulted in Marsh Way being closed.

Sunday 9th December 2012
Impact damage to estate barrier – the vehicle went on to cause further damage/accident

Monday 31st December 2012 (New Years eve). -- 02.55 and 04.35 hours
A firework display was held outside New Porkys. The estate was concerned as many businesses have on site fuel tanks/propane gas storage tanks. Also, Flogas is based on the estate and we consider this to be a huge hazardous risk.

Monday 16th February 2013 – 05.30 hours
A serious fight broke out, which required police attendance.

The Fairview Industrial Park is considered to be one of the most prestigious, private estates in Havering and we enclose a copy of the estate's brochure accordingly.

We consider the current licence status has already had a serious detrimental effect on the estate's image/reputation and has seriously compromised our level of security/safety, so we strongly object to the current licence and to the proposed application to vary the licence.

Yours sincerely
for Racefold Limited


Miss M R Dixon