



LICENSING SUB-COMMITTEE

REPORT

22 August 2013

Subject Heading:

Application to vary a Gaming Machine Permit at the Moon & Stars, 99-103 South Street

Report Author and contact details:

Arthur Hunt – Licensing Officer
01708 432777
licensing@havering.gov.uk

This application for a variation to a Gaming Machine Permit is made by JD Wetherspoon PLC under section 15 of Schedule 13 of The Gambling Act 2005. The application was received by Havering's Licensing Authority on 6 August 2013.

Geographical description of the area and description of the building

The premise is located in of South Street, Romford approximately 75 metres from the junction with Eastern Road.

It holds a premises licence under the Licensing Act 2003 with the current opening hours of Monday to Sunday 07:00 to 02:30.

Details of the application

The premise currently holds a permit under section 283 of the Gambling Act 2005 authorising them to make 5 Category C machines available for use.

The company were unable to supply the original permit with their application and have now reported it to the Police as being lost. (see appendix: e-mails confirming that the Police have been informed).

Variation applied for:

The licence holder seeks to increase the number of machines available to 6

Comments and observations on the application

Category C AWP machines permit a maximum stake of £1 and a maximum prize of £70.

Although no representations have been sought from the other Responsible Authorities under the Licensing Act, having consulted the Police, they have no objections to this variation.

The Statement of Licencing Policy, Part C, section 2 deals with Gaming Machine Permits.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

Administrative matters

Applications for five or more machines will be referred to a Licensing sub-Committee.



Havering
LONDON BOROUGH

Premises licence number

001484

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Moon & Stars
99-103 South Street, Romford RM1 1NX**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

**Supply of Alcohol, Films, Live Music, Recorded Music, Performances of Dance, Activity like music/dance, Facility of making music, Facilities for dancing,
Facilities like music/dance, Late Night Refreshment,**

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

Monday to Sunday – 09.00 to 02.00

New Year's Eve Deregulated hours

also, 03.00 finish time on the following days

Christmas Eve, Boxing Day, 25th January, 26th January, 1st March, 17th March, 23rd April, 30th November, Thursday immediately preceding Good Friday, Sunday immediately preceding a Bank Holiday Monday.

Supply of Alcohol, Films, Live Music, Recorded Music, Performances of Dance, Activity like music/dance, Facility of making music, Facilities for dancing,

Facilities like music/dance, Late Night Refreshment,

Monday to Sunday – 07.00 to 02.30

New Year's Eve Deregulated hours

also, 03.30 finish time on the following days

Christmas Eve, Boxing Day, 25th January, 26th January, 1st March, 17th March, 23rd April, 30th November, Thursday immediately preceding Good Friday, Sunday immediately preceding a Bank Holiday Monday.

Late Night Refreshment

Monday to Sunday – 23.00 to 02.00

New Year's Eve 23.00 to 05.00 and

23.00 to end of deregulated hours 1st January

also, 03.00 finish time on the following days

Christmas Eve, Boxing Day, 25th January, 26th January, 1st March, 17th March,

23rd April, 30th November, Thursday immediately preceding Good Friday,

Sunday immediately preceding a Bank Holiday Monday

The opening hours of the premises

Monday to Sunday – 07.00 to 02.30

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

On and Off Supplies

Part 2

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

**JD Wetherspoon Plc
Wetherspoon House, Reeds Crescent, Watford WD24 4QL
01923 477777**

Registered number of holder, for example company number, charity number (where applicable)

01709784

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

**Mr Steven Clayton
Janton House, Clifton Road, Bowers Gifford, Basildon, SS13 2LF**

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

Basildon District Council – BAS/PM 3073

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

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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

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- (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
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. Where a programme includes a film in the 12A, 15 or 18 category no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –
- PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.**
- Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.
- This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.
9. 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

The prevention of crime and disorder

- (1) The management shall liaise with police and other relevant authorities as to the need for door supervisors in addition to management levels and use of door supervisors if appropriate.
- (2) CCTV shall continue to be used as a deterrent to anti social behaviour and the tapes retained for at least 30 days.
- (3) Regular contact with the police and statutory authorities with regard to operational procedures and to continue to work in partnership with “relevant authorities” and to comply with reasonable recommendations and requirements where they are identified.
- (4) To continue management presence front of house at all times and adoption of JDW Responsible Drinks Retailing Policy to minimise the risk of anti social behaviour away from the premises.

Public safety

- (5) The management shall undertake ongoing risk assessments in order to comply with Health and Safety legislation.
- (6) The maximum permitted occupancy including staff shall be 550 persons.

The prevention of public nuisance

- (7) To operate a good neighbour principle with emphasis on building and maintaining a close relationship with local residents.

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- (8) Managers shall deal with complaints from local residents quickly and effectively.

The protection of children from harm

- (9) Children shall vacate the bar by 21.00 hours unless they are eating in which case they shall be required to vacate the bar by 21.30 hours.
- (10) Children shall always be accompanied by an adult who will be required to maintain constant supervision of them.

Private Entertainment

- (11) Private entertainment for gain may be provided throughout the premises without limitation

Non-standard timings

In addition to the use of Temporary Event Notices allowed under the Licensing Act 2003, the premises may open on 12 non-standard occasions, in line with the Association of Chief Police Officers guidelines; subject to a minimum of 10 working days notice being given to the Licensing Authority and the police for each occasion. The prior written consent of the Police shall be obtained and the police shall have absolute right to refuse any occasion. A register shall be kept at the premises in the manner required by the Police and Licensing Authority and available for inspection by the police or an Authorised Officer of the Licensing Authority and details of each occasion shall be recorded in it and including the written consent of the police.

Conditions agreed with the police to be attached to the premises licence.

1. The CCTV system at the premises will be upgraded to comply with the reasonable requirements of the current and relevant Haverling Police Guidelines as standard minimum closed circuit television. The premises will not trade the variation until the CCTV system is upgraded.
2. The system shall be maintained in working order and be operated throughout the hours that the premises are open for licensable activities. It shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is an identification standard and shall be capable of obtaining a clear head and shoulders image of persons entering the premises.
3. The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of one calendar month.
4. All supervisors working outside the premises shall wear high visibility clothing. Door supervisors working inside the premises will wear a form of clothing agreed in consultation with the Police which renders them easily identifiable on the CCTV in the premises.
5. Prominent and clear notices shall be displayed at all exit points to advise customers that the premises fall within an alcohol free zone.
6. A written search policy shall be in place at the premises and the requirement for searching will be risk assessed by the DPS. Where the risk assessment results in the requirement for searching it will be done in accordance with the

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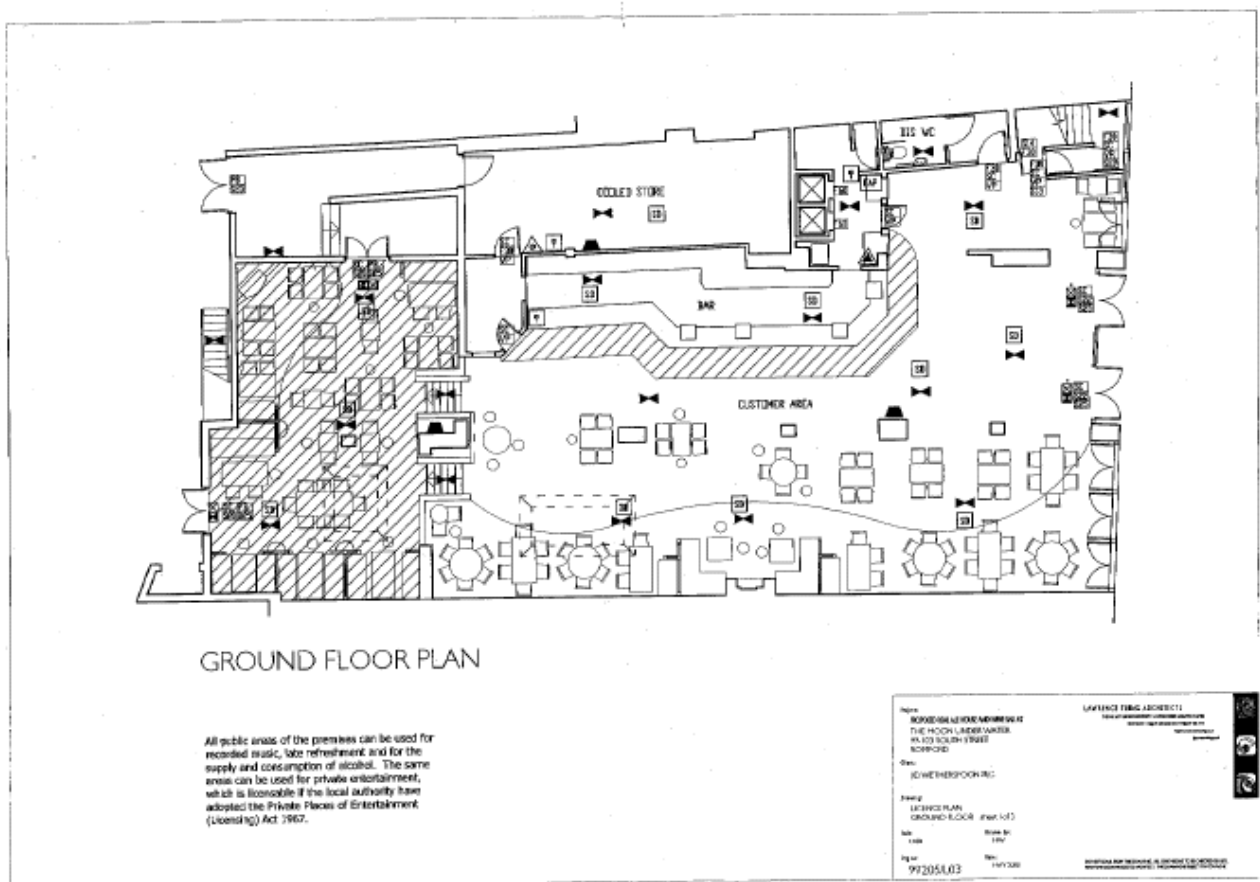
written search policy and the DPS will use his or her reasonable endeavours to ensure door supervisors of both sexes are on duty when such a policy is in force.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

No hearing

Annex 4 – Plans

**Full plans held by the London Borough of Havering licensing section
Plans shown not to scale**





Part B

Premises licence summary

Premises licence number

001484

Premises details

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JD Wetherspoon Plc

Wetherspoon House, Reeds Crescent, Watford WD24 4QL

Registered number of holder, for example company number, charity number (where applicable)

01709784

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

Mr Steven Clayton

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

Restricted
