



LICENSING SUB-COMMITTEE

REPORT

17 October 2013

Subject heading:

Hush
80-84 Market Place
Romford RM1 3ER
Premises licence review
Arthur Hunt, Licensing Officer
Mercury House, 01708 433585

Report author and contact details:

This application to review a premises licence is made under section 167 of the Licensing Act 2003 by Licensing Officer Paul Jones on behalf of the London Borough of Havering's Licensing Authority. The application was submitted on 19 September 2013.

Premises' details

Hush, formerly called The Edge, is situated within the market place at Romford. It is a two story terrace premises with bars and entertainment areas on both floors

The premises is located on the south side of Market Place Romford approximately 200 metres east of South Street and 60 metres west of Mercury Gardens. The adjacent premises are shops and commercial premises there are residential properties on the opposite side of the Market Place.

The Market place is used as a Market on Wednesday, Friday and Saturday with the stalls being set up on the previous nights (Tuesday and Thursday) and being taken down into the night after the markets (Wednesday and Saturday) at all other times the Market Place is used as a car park.

The premises are within easy walking distance of Romford Train Station, cab ranks and offices and the night bus service.

A map of the area is attached to assist the committee.

Application to review

Licensing Officer Paul Jones submits this application to review Hush's premises licence, numbered 7870, 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

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subsequently considered by Redbridge Magistrates' Court under the provisions of s.165 of the Act.

A s.161 closure order was made against Hush by the Metropolitan Police on Sunday 28 July 2013. 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 on the 30 July 2013. The court considered the closure order and determined that the premises should be closed for a further day following the hearing. The premises were thus allowed to open from the 1 August 2013.

S.165(4) requires the court to notify the Licensing Authority of its determination; however, this notification was not supplied to Havering until 19 September 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 supplied 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. Also two notices were placed at and near the premises.

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

There were three representations from four interested parties that detail concerns with the prevention of public nuisance and prevention of harm to children licensing objectives.

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PC Jason Rose made representation in support of this review application on behalf of the Metropolitan Police. PC Rose's representation is based upon all four of the licensing objectives. PC Rose's representation suggests that the hours on the licence should be reduced from their current terminal hour to 02:00. PC Rose also suggests a series of conditions which should be added/modified to Police requirements.

Licensing Inspection

To assist the sub-committee in their determination of this application, a full licensing inspection was carried out on the premises on the 26 September 2013. Mr Roach, the DPS, and Mr Barros, Manager, were both present. There were breaches of their current licence identified. Please find attached a copy of the letter sent subsequently to Mr Roach confirming the findings of the inspection.

Arthur Hunt
Licensing Officer



Havering
LONDON BOROUGH

Premises licence number

007870

Part 1 - Premises details

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

**Edge
80-84 Market Place
Romford
RM1 3ER**

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

**Live Music, Recorded Music
Late Night Refreshment
Supply of Alcohol
Provision of Facilities for Dancing**

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

**Sunday to Thursday – 07:00 to 00:00
Friday & Saturday – 07:00 to 03:00**

Live Music, Recorded Music

**Sunday to Thursday – 07:00 to 00:30
Friday & Saturday – 07:00 to 03:30**

Late Night Refreshment

**Sunday to Thursday – 23:00 to 02:00
Friday & Saturday – 23:00 to 04:00**

Provision of Facilities for Dancing

**Sunday to Thursday 07:00 to 00:30
Friday & Saturday 07:00 to 03:30**

The opening hours of the premises

**Sunday to Thursday – 07:00 to 02:00
Friday & Saturday – 07:00 to 04:00**

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

**Net Bar Limited
Gable House, 239 Regents Park Road, London, N3 3LF**

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

03761535

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

**Mr Keith Anthony Roach
54A Hanover Gate Mansions, Park Road, London, NW1 4SN**

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

City of Westminster – 07/05205/LIPERS

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.

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.

Annex 2 – Conditions consistent with the operating schedule

1. The premises licence holder shall maintain a CCTV system which shall be capable of providing images to an identifiable standard.
2. SIA registered door supervisors will supervise the bar area during busy periods.
3. Staff must be trained to request identification from any person appearing to be under the age of 21 and will not serve alcohol to any individual who cannot provide sufficient photographic identification when requested.
4. CCTV footage must be provided to the police on request
5. Footage from the CCTV system must be kept for at least 28 days.
6. Staff must be trained to adhere to all fire safety and evacuation procedures
7. A fully trained first aider will be present at all times wherever possible.
8. The capacity must not exceed the limit set for the building.
9. The premises licence holder shall make reasonable endeavours to ensure music and noise emanating from the premises is not audible to cause disturbance to neighbouring residential properties.
10. Staff will be trained to contact the police if circumstances give rise to a public nuisance.
11. The premises licence holder will adhere to the challenge 21 initiative.

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

- CD1 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.**

CD6 A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise 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 will be readily available for

inspection by an Authorised Person throughout the trading hours of the premise. The Premises Daily Register will 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.

CD7 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 and 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 will also be recorded including the name of the agency, the registered business address and a contact telephone number.

- That staff will receive Drug awareness training from the Havering DAAT team.

CCTV

CD15 A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will 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.

CD16 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.

CD17 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.

CD18 The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of 21 days. 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.

CD19 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.

Door Supervisors

CDGPG9 Premises which have a policy that includes the searching of persons shall have Door Supervisors of on duty at all times.

CDGPG10 All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.

Queue Management and Dispersal Procedures

PNGPG1 The Licence Holder shall implement a written queue management policy. All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours. The policy shall be approved in writing by the Licensing Authority.

PNGPG2 The 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.

Bottles and Glasses

Drinks shall be served in vessels made from polycarbonate or plastic.

First Aid

PS22 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

PS23 At least one trained first-aider shall be on duty when the public are present.

PS24 Notices detailing the availability of first aid equipment shall be prominently displayed & shall be protected from damage or deterioration.

Proof of age

CDGPG2 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 21 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.

- The premise will adopt the Challenge 21 Policy as agreed.

Misuse of drugs

CD20 The 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 will be delivered to all staff. This Policy shall be approved in writing by Havering Police.

CD21 The Designated Premises Supervisor shall hold a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.

CD22 All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.

Noise and Vibration

PN17 Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.

PN22 Staff shall be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.

PN26 The specification, and orientation of all speakers shall be agreed with the Licensing Authority / Responsible Authority.

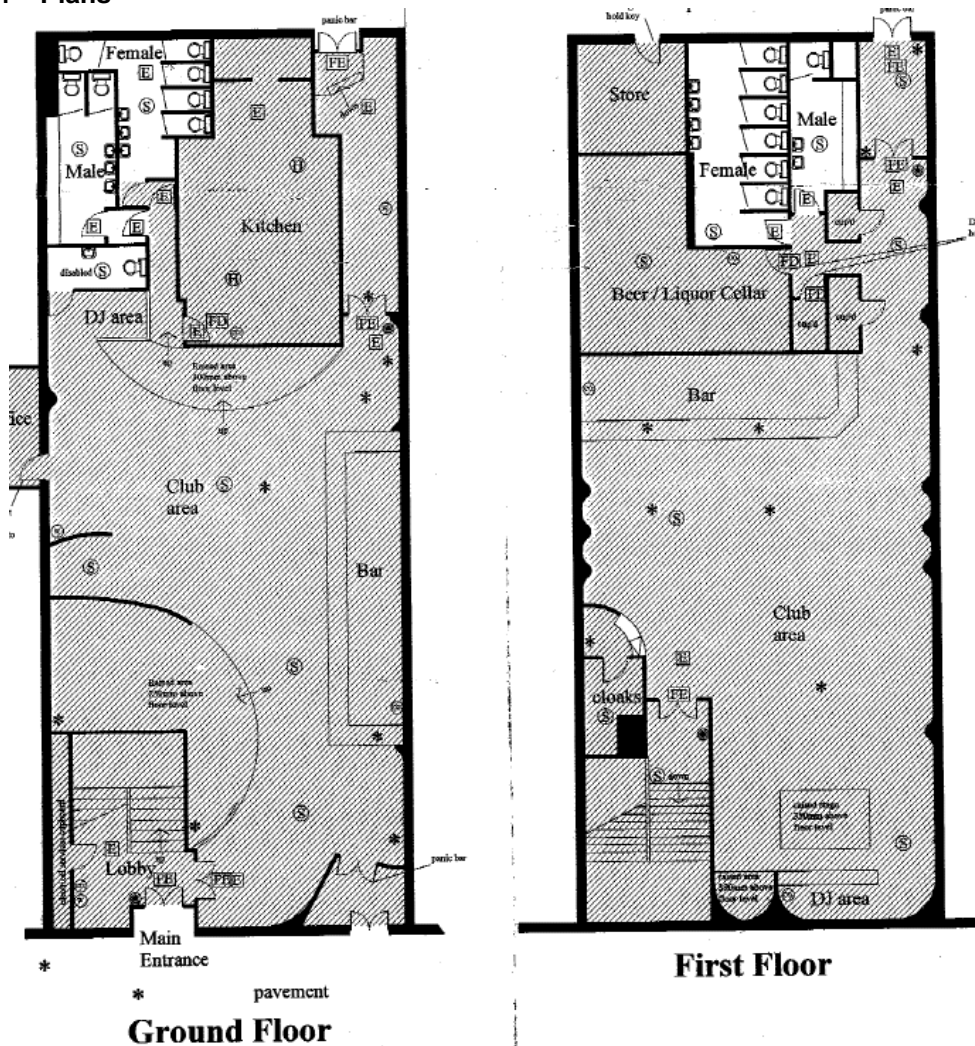
The Sub-Committee also included the following additional conditions:

- The installation of a noise limiting device in all rooms where the playing of recorded and live music will occur. The noise limiting device once installed by a competent electrician is to be set and sealed by officers from the Environmental Health Service.
- The creation of a lobbied exit on the front façade of the building which leads in to the ground floor bar area.
- That the present single glazer folding doors to the front of the premise to be double glazed.

That these three conditions to be completed within the next six months.

- No drinks to be taken outside in to the smoking area and the maximum number in this area is set at 20.

Annex 4 – Plans





Part B

Premises licence summary

Premises licence number

007870

Premises details

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

03761535

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

Mr Keith Anthony Roach

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

Not Restricted
