

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH  
COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON  
WALDEN at 10am on 18 AUGUST 2016**

Present: Councillor R Chambers (Chairman)  
Councillors A Anjum, J Davey and S Morris

Officers in attendance: M Chamberlain (Enforcement Officer), A Rees  
(Democratic and Electoral Services Officer), E Smith (Solicitor)  
and A Turner (Licensing Team Leader)

Also Present: Miss V Powell and Mr S Sparrow (Essex Police), Miss Cox (The  
Restaurant Group) and Mr H Thomas (Harrison Clark Rickerbys  
Solicitors).

**LIC24 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

*The Committee agreed to determine Item 3 first.*

**LIC25 DETERMINATION OF A PRIVATE HIRE OPERATOR'S LICENCE AND  
SEVEN HACKNEY CARRIAGE VEHICLE LICENCES – CROWN CARS**

The Chairman said that the operator (Mr Asif) had emailed the Enforcement Officer and stated that he would be surrendering his private hire operator's licence, as well as the seven hackney carriage vehicle licences. The Chairman explained that it was still necessary for the Committee to determine the licences.

The report was taken as read.

Councillors Anjum, Chambers, Davey and Morris, the Democratic and Electoral Services Officer and the Solicitor left the room at 10.05am so the Committee could consider its decision. They returned at 10.10am.

**LIC26 EXCLUSION OF THE PUBLIC**

RESOLVED that under section 100I of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

**DECISION**

The Chairman said that the Committee were not satisfied that the operator was operating within Uttlesford and therefore the private hire operator's licence and seven hackney carriage vehicle licences were revoked.

LIC27

### **APPLICATION FOR A REVIEW OF A PREMISES LICENCE – CAFÉ BALZAR & JOE'S COFFEE HOUSE, LANDSIDE, STANSTED AIRPORT**

The Chairman read out the procedures for determining premises licences.

The Licensing Team Leader presented her report which followed an application to review a premises licence by Essex Police. She explained that Café Balzar & Joe's Coffee House had first been granted a licence on 2 December 2013. At the time no representations were made.

The current licence allowed for the following licensable activities; the sale of alcohol for consumption on the premises from Monday to Sunday and from midnight to midnight; the sale of late night refreshments (indoors) from Monday to Sunday from 11pm until 5am. The licence also contained conditions which meant that; management training would be given to prevent crime and disorder; health and safety assessments would be carried out by internal management staff; regular risk assessments would be carried out by internal management staff.

The Licensing Team Leader informed the Committee that no complaints had been received prior to those made by the Police. The Council issued and delivered a Notice of Review to the premises on 1 July, which was also displayed on the Council's website. Representations were invited to be made by 28 July and copies of the review application were served on all the statutory consultees. No representations were received.

The Police had requested that the premises licence was varied in order to achieve a minimum desired outcome. This was requested on the basis of three of the four licensing objectives. These were; the prevention of crime and disorder; public safety; and the prevention of public nuisance.

The request for a review followed two incidents at which the Police contended that alcohol was sold to already intoxicated persons. During one of these incidences the premises' management permitted disorderly behaviour to take place. The Police had stated that both of these incidents demonstrated poor management and the rejection of the Police's advice.

On 27 May 2016, the Police attended the premises following reports that a number of customers were intoxicated and causing a disturbance. The Police requested that all sales of alcohol ceased. An hour later the Police were called back after disturbance escalated. The incident was so severe that other police at the airport and from elsewhere throughout Essex were requested to attend.

Further inquiries by the Police had highlighted significant concerns about how the premises were managed on a day to day basis. Best practice guidelines

were not met and the Police had concerns about the DPS' ability to manage the premises in an orderly manner.

There was a further incident on 22 June, where a man who officers had already identified as being intoxicated was served alcohol to the point where he collapsed. The Police in their application stated that the Airport provided regular services to Europe where large groups of people often travelled together. Alcohol had been served to people who were already intoxicated which created disorder. This disorder had been permitted by the premises' management.

The Police had considered requesting revocation of the licence, but felt suitable conditions, as well as the removal of the current DPS, would negate the need for revocation of the licence. The conditions sought by the Police were as follows:

1. The premises licence holder shall erect and maintain clear and prominent notices that patrons who display antisocial behaviour will be ejected from the premise and be liable to exclusion from the airport.
2. An incident log shall be kept at the premises, and made immediately available on request to Essex Police or a representative of the Airport's management.

A copy of the log must be made and given to the police/airport management on demand.

The incident log must, within 24 hours, of an occurrence record:

- a) Any incidents of crime, disorder or anti-social behaviour;
- b) The refusal to sell alcohol (whether under-age, intoxicated or for another reason);
- c) Attendance of the emergency services;
- d) Any faults in the CCTV equipment;
- e) The name of the person entering the occurrence and (if different) the duty manager at that time.

Prevention of Crime and Disorder:

3. No disorderly conduct shall be permitted on the premises.
4. At any time whilst alcohol is being sold or offered for sale between 12:00 & 02:00 hours, a personal licence holder must be present on the premises.
5. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
6. The following condition shall apply specifically to prevent disorder arising from the sale of alcohol to, and consumption of alcohol by, groups assembled for a common purpose where such

consumption may reasonably be suspected to increase the risk of disorder.

Where Essex Police has identified an event (sporting or otherwise) taking place within the UK or Europe, and there exist police concerns regarding the potential behaviour of groups of intoxicated passengers travelling to or from that event, upon the written direction of an officer not below the rank of Chief Inspector:-

On the day preceding any such event, the premise shall not sell alcohol between 12:00 & 23:59 hours;

On the day of any such event, the premise shall not sell alcohol between 00.00 & 16:00 hours;

On the day following any such event the premise shall not sell alcohol between 00.00 & 11.00 hours; or

Where the direction specifies less prescriptive hours of sale than those set out within a), b) or c), shall not sell alcohol between those times.

CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition and capable of meeting the below conditions:

Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale of alcohol occurs.

Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order, numbered sequentially and kept for a period of 31 days.

The Premises Licence Holder must ensure at all times a personal licence holder or other member of staff is capable of and competent at downloading CCTV footage in a recordable format either disc, memory stick or similar to the local police or airport management.

The recording equipment and tapes/disc shall be kept in a secure environment under the control of a named post-holder.

An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions are to be recorded.

CCTV installation and usage will accord with the British Security Industry Association Code of Practice and Associated Guidance for CCTV Surveillance Systems (July 2014 or later).

All staff making alcohol sales shall hold a BIIAB Level 1 Award in Responsible Alcohol Retailing (or a BIIAB Level 2 Award for Personal Licence Holders).

The Premises Licence Holder shall have in place written policies to deal with the sale of alcohol which includes underage sales (either a Challenge 25 or Challenge 21 age verification policy), sale of alcohol to intoxicated persons, disorder and violence, drugs and general crime reduction – together with a training regime (including conflict management) to ensure all staff are familiar with these policies.

Training records and policies shall be kept at the premises and shall be made available to the police or airport management on demand - either electronically or in hard copy.

The Licensing Team Leader informed the Committee that they could decide to; allow the licence to continue unmodified; modify the conditions of the licence; modify the conditions of the licence for a period not exceeding three months; exclude a licensable activity from the scope of the licence; exclude a licensable activity from the scope of the licence not exceeding three months; revoke the licence; remove the Designated Premises Supervisor.

The Committee also needed to have due regard to the Council's Licensing Policy, as well as the Secretary of State's Guidance issued in accordance with the Act. If the Committee decided to impose conditions, they could only impose conditions which were necessary and proportionate to promote the licensing objectives. Furthermore, any conditions could not duplicate the effects of existing legislation.

The Chairman invited Miss Powell to speak. She began by detailing the circumstances surrounding the incidents on 27 May.

*Councillor Chambers declared a non-pecuniary interest as he knew Mr Sparrow.*

Miss Powell explained that the Police had agreed conditions with the licence holder. The agreed conditions were as below:

1. The premises licence holder shall erect and maintain clear and prominent notices that patrons who display antisocial behaviour will be ejected from the premises and be liable to exclusion from the airport.
2. An incident log shall be kept at the premises, and made immediately available on request to Essex Police or a representative of the Airport's management. A copy of the log must be made and given to the police/airport management on demand. The incident log must, within 24 hours of an occurrence, record;
  - a. Any incidents of crime, disorder or anti-social behaviour;
  - b. The refusal to sell alcohol (whether under-age, intoxicated or for another reason);
  - c. Attendance of the emergency services;
  - d. Any faults in the CCTV equipment;

- e. The name of the person entering the occurrence and (if different) the duty manager at that time.
3. No disorderly conduct shall be permitted on the premises.
4. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition and capable of meeting the conditions below;
  - a. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale of alcohol occurs;
  - b. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order, numbered sequentially and kept for a period of 31 days;
  - c. The premises holder must ensure at all times a personal licence holder or other member of staff is capable of and competent at downloading CCTV footage in a recordable format either disc, memory stick or similar to the local police or airport management;
  - d. The recording equipment and tapes/discs shall be kept in a secure environment under the control of a named post-holder;
  - e. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions are to be recorded;
  - f. CCTV installation and usage will accord with the British Security Industry Association Code of Practice and Associated Guidance for CCTV Surveillance Systems (July 2014 or later).
5. All staff making alcohol sales shall hold a BIIAB Level 1 Award in Responsible Alcohol Retailing or training to an equivalent standard.
6. The premises licence holder shall have in place written policies to deal with the sale of alcohol which includes underage sales (either a Challenge 25 or Challenge 21 age verification policy), sale of alcohol to intoxicated persons, disorder and violence, drugs and general crime reduction – together with a training regime (including conflict management) to ensure all staff are familiar with these policies.
7. Training records and policies shall be kept at the premises and shall be made available to the police or airport management on demand – either electronically or in hard copy.

Miss Powell said a review of the licence had been seen as necessary because due to the nature of the premises surroundings and the possible security implications an action plan would not have been sufficient. The agreed conditions had already been implemented and the Police had been reassured that the current DPS would ensure that the conditions would be met. Therefore the Police no longer requested that the current DPS was removed.

Miss Powell then responded to questions by Members. Councillor Morris noted that the agreed conditions were different to the conditions detailed in the report.

In response Miss Powell explained that the initially requested conditions were seen as too onerous.

The Chairman asked whether the training which had been implemented was satisfactory. In reply, Miss Powell said she had attended one of the training sessions which she explained was of a high standard.

Mr Thomas was then invited to speak on behalf on the premises licence holder. He said that Members could only consider the application for a review and the agreed upon conditions. He informed Members that the licence holder held over 550 licences across the country and had never had a licence revoked.

His client engaged with the Police immediately and has already imposed the agreed upon conditions. He then spoke about the seriousness of the incidents, which he noted had resulted in zero arrests. His client had sought to work co-operatively with the Police in order to agree conditions which promoted the licensing objectives.

Mr Thomas explained that some of the conditions sought to ensure that certain requirements were less ambiguous. Some of the agreed conditions ought to have been included in the initial conditions. He explained the rationale behind each condition in order.

Regarding the first condition he explained that it was a standard condition which should have been included previously. The second condition made it clear exactly what was required from the incident log. The third condition was also a standard condition. He noted that the Police had visited the premises and were happy this condition was being met.

Condition 4 concerned CCTV recording and retention. Mr Thomas explained that CCTV had always been on the premises, but it was accepted that the quality of coverage could be improved. The Police had evaluated the premises and his client was actively looking at implementing the requested changes. Regarding condition 5, he noted that Miss Powell had said she was exceptionally happy with quality of the training offered, which he explained was to a greater standard than that required by the condition.

Mr Thomas said the aim of condition 6 was to empower staff so that they could deal effectively with difficult situations. He and his client agreed with this condition. Lastly, condition 7 was a standard condition.

Mr Thomas said the conditions had changed from those previously requested by the Police due to engagement with the Police by himself and his client. It had been agreed that some of the initial conditions were disproportionate in order to meet the licensing objectives. Normally when events were due to take place, the Police would issue advice to premises and make requests such as only serving alcohol during certain hours. The imposition of conditions was seen as disproportionate.

Mr Thomas drew Members attention to the Section 182 Guidance. He explained that the Guidance asked licensing authorities to look to the Police as their main

source of advice. Any conditions should seek to address areas of concern and should be proportionate.

The Enforcement Officer asked whether the licensing authority could be referenced in conditions 4c and 7. Both Mr Thomas and Miss Powell agreed that the conditions should include reference to the licensing authority.

Councillor Chambers noted that airports deal with a diverse array of cultures and languages. He asked how the training addressed any difficulties which could arise from these differences. In response Miss Cox explained that the training looked at how body language and gestures could be interpreted and included a module on conflict management.

Miss Cox then explained that it was expected that customers would have no more than two drinks as most customers would not be on the premises for longer than one and a half hours. If a customer ordered further drinks staff would find out why.

The Solicitor informed the Committee that the conditions agreed by the Police and the licence holder were acceptable subject the agreed upon amendments.

Councillors Anjum, Chambers, Davey and Morris, the Democratic and Electoral Services Officer and the Solicitor left the room at 11am so the Committee could consider its decision. They returned at 11.50am.

## **DECISION**

The Restaurant Group trading as Café Balzar hold a premises licence in respect of Unit LD7 in the Landside Terminal Building at Stansted Airport.

Following two incidents of disorderly behaviour involving the same persons at the premises on 27th May 2016 officers of Essex Police attended. No arrests followed and it is understood that those involved were not users of the airport. Subsequent enquiries by the Police revealed concerns regarding daily management of the premises and these concerns were exacerbated when they were again summoned on 22nd June 2016 when an obviously intoxicated person collapsed there having been served further alcohol.

As a consequence the Police sought a review of the licence involving the removal of the DPS and the addition of conditions to the licence.

However, the operator immediately engaged with the Police. It is understood that there have been considerable discussions between the two bodies and that a set of draft conditions have been agreed between them which are already being implemented. Miss Powell of Essex Police tells us today that significant improvement has already been noted, that the DPS is to remain in post with support and training, that the staff training regime in place is excellent and that the Police believe that the agreed conditions will enable the operator to cope in the future. There will be strict monitoring and we hope that this level of Police support will continue.



We have heard from Mr Thomas of Harrison Clark Rickerbys on behalf of the operator, and Miss Cox one of their senior employees. They both tell us that these incidents were wholly exceptional involving atypical customers, and Miss Cox outlined the modifications made to their training programme to address this. We accept, in accordance with Home Office Guidance, the view of the Police that the steps taken are sufficient to prevent a repeat incident of crime and disorder but should there be such an occurrence we would wish the matter to be brought back before this Committee.

Accordingly we accept the agreed conditions to be endorsed upon the premises licence with the addition of the authorised officer of the licensing authority to the list of persons to be notified and supplied with materials under clauses 2, 4( c) and 7 of the draft conditions.

The meeting ended at 11.55am.