


Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 3 November 2017

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

<p>A1</p>	<p>APPEAL AGAINST SUSPENSION OF A PREMISES LICENCE BY HAVERING'S LICENSING SUB-COMMITTEE</p>	<div style="text-align: right;">  <p>Havering LONDON BOROUGH Licensing Act 2003 Notice of Decision</p> </div> <p>PREMISES: The Bell Inn Broadway, Rainham RM13 9YW</p> <p>DETAILS OF APPLICATION</p> <p>The application for a Summary Review of the Premises Licence was made by PC Oisin Daly on behalf of the Metropolitan Police, under section 53A of the Licensing Act 2003. The application was received by Havering Licensing Authority at 13:00 on 25 October 2017.</p> <p>That application was considered on Friday 27 October 2017 by the Sub-Committee and the licence was suspended.</p> <p>An appeal was made by the Licence Holder and the Sub-Committee held a meeting on Friday 3 November 2017 to hear her representations.</p> <p>APPLICANT</p>
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		<p>PC Oisin Daly Romford Police Station Main Road, Romford RMI 3BJ</p> <p>1. Details of existing licensable activities</p> <p>The venue had a Premises Licence number 001561 which permits the sale of alcohol - Monday to Sunday – 11.00 to 23.00</p> <p>The current licence holder at the premises was Miss Sharon Elizabeth Rogers.</p> <p>2. Grounds for Summary Review</p> <p>The application for the premises licence review had been served under section 53A of the Licensing Act 2003 following the wounding of two individuals in an altercation at the Bell Inn.</p> <p>A certificate under section 53A(1)(b) of the Licensing Act 2003 was signed by Superintendent Sean Wilson. It was his opinion that the premises are associated with serious crime or serious disorder, or both.</p> <p>3. Details of Representation</p> <p>Havering Council</p>
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		<p>The Licensing Officer attended and introduced the application.</p> <p>Metropolitan Police</p> <p>PC Oisin Daly addressed the Sub-Committee. He did not add to the application and evidence submitted in advance of the hearing.</p> <p>The Sub-Committee had seen extracts of the CCTV from the premises, as did Ms Rogers and her Counsel. The Sub-Committee had also seen photographs of the wounds to the victims. The Sub-Committee had seen on the CCTV footage, the following:</p> <ul style="list-style-type: none"> • The suspect, and his associates. • The licence holder, Ms Rogers • The victims of the assaults • Open supplying and snorting of what appeared to be cocaine • The brandishing of an asp and a firearm by the suspect • The victim coming into view of the CCTV from having been assaulted outside (he was wearing no shoes) • Injury to a victim who was handed some white paper towel from behind the Bar to clean himself • The victim was then assaulted again by the suspect seemingly with the asp • The suspect holding the asp in one hand and the firearm in another • The taking of the firearm to somewhere else in the pub and then being concealed within what appeared to be the same white paper from the Pub • The moving of the sword by Ms Rogers to somewhere else in the Pub when it

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		<p>had allegedly just been used to wound someone</p> <p>PC Oisin Daly also made submissions about the adequacy of the CCTV, and the lack of an alternative DPS. PC Daly suggested there was potentially still a danger of reprisals, a problem with the DPS, and there were not conditions that could be imposed to alleviate the risks involved.</p> <p>4. Response from the Premises Licence holder</p> <p>Ms Rogers attended and was represented by Counsel. She also submitted a witness statement dated 2 November 2017. Her Counsel made detailed submissions to the Sub-Committee. He answered questions on her behalf.</p> <p>The Sub-Committee was informed that the suspect has been arrested, charged and remanded into custody.</p> <p>5. Determination of Application</p> <p>The Sub-Committee determined the application for a review of the premises licence in accordance with section 53 of the Licensing Act 2003 and considered the matter with a view to promoting the licensing objectives. In making its decision the Sub-Committee had regard to the Guidance issued under section 182 of the 2003 Act and the local authority’s licensing policy. In addition, the Sub-Committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.</p> <p>The Sub-Committee was mindful of the need to reach a decision that was appropriate and</p>

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		<p>proportionate and justified on the evidence.</p> <p>The Sub-Committee listened carefully to the submissions made by Ms Rogers' Counsel.</p> <p>The Sub-Committee considered the interim steps that they must take into account, namely:</p> <ul style="list-style-type: none"> (a) the modification of the conditions of the premises licence; (b) the exclusion of the sale of alcohol by retail from the scope of the licence; (c) the removal of the designated premises supervisor from the licence; (d) the suspension of the licence. <p>The Sub-Committee found there has been a serious failure to uphold the licensing objectives; there were members of the public present who were put at risk of harm and would have been frightened, there are children that live on the premises and an abject failure by management to deal with, or manage the risk.</p> <p>The presence of a firearm being openly brandished, a sword used in an alleged attack that was moved Ms Rogers afterwards, acid found that was drawn to her attention nearby, were serious breaches of the licence conditions, along with a failure by Ms Rogers to call the police and ambulance service.</p> <p>In light of the serious danger of the weapons involved, the credible risk of retaliation against the pub, not just the individual now in custody, the Sub-Committee determined it was necessary to continue the suspension of the licence. Having considered the Representations made by Ms</p>

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		<p>Rogers, the Sub-Committee did not consider there were any conditions at present that could be made to allow for the lifting of the suspension. In considering the proportionality of their decision, the Sub-Committee considered that the Review of the licence would be undertaken by 22 November 2017.</p> <p>Richard Cursons Clerk to the Licensing Sub-Committee</p>
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A2		