


**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 20 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**

A1	APPLICATION TO REVIEW A PREMISES LICENCE	<div data-bbox="840 464 920 564"></div> <div data-bbox="929 472 1285 564"> <b>Havering</b>  <small>LONDON BOROUGH</small> </div> <div data-bbox="1323 579 1592 639"> <b>Licensing Act 2003                      Notice of Decision</b> </div> <p><b>PREMISES:</b></p> <p>The Bell Inn                      Broadway, Rainham                      RM13 9YW</p> <p><b>DETAILS OF APPLICATION</b></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><b>APPLICANT</b></p> <p>PC Oisin Daly                      Romford Police Station                      Main Road, Romford                      RMI 3BJ</p>
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		<p><b>1. Details of existing licensable activities</b></p> <p>The venue had a Premises Licence number 001561 which permitted 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><b>2. Grounds for Review</b></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 were associated with serious crime or serious disorder, or both.</p> <p>An expedited summary review hearing had taken place on 27 October 2017 having considered the information presented to them by the police and in light of the serious danger of the weapons involved, the credible risk of retaliation, the Sub-Committee determined it was necessary to suspend the licence.</p> <p>An appeal hearing had been heard on 3 November 2017. 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>

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		<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 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><b>3. Details of Representation</b></p> <p><b>Metropolitan Police</b></p> <p>The police's legal representative reiterated the points raised at the two previous hearings.</p> <p>The CCTV footage had shown the following events taking place:</p> <ul style="list-style-type: none"> <li>• The suspect, and his associates.</li> <li>• The licence holder, Ms Rogers</li> <li>• The victims of the assaults</li> <li>• Open supplying and snorting of what appeared to be cocaine</li> <li>• The brandishing of an asp and a firearm by the suspect</li> <li>• The victim coming into view of the CCTV from having been assaulted outside (he was wearing no shoes)</li> <li>• Injury to a victim who was handed some white paper towel from behind the bar to clean himself</li> <li>• The victim was then assaulted again by the suspect seemingly with the asp</li> <li>• The suspect holding the asp in one hand and the firearm in another</li> </ul>

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		<ul style="list-style-type: none"> <li>• 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</li> <li>• The removal of the samurai sword to somewhere else in the pub when it had just been used to wound someone</li> </ul> <p>The legal representative advised that the police had serious concerns about the management of the premises and believed that there had been serious failings of the promotion of the licensing objectives.</p> <p>The Sub-Committee was also advised that the police had previously had concerns regarding the CCTV equipment that was installed on the premises.</p> <p>The legal representative also advised that Ms Rogers had not put forward any interim measures or put forward an alternative DPS to the police.</p> <p><b>Health &amp; Safety</b></p> <p>John Giles of the London Borough of Havering's Health and Safety team made a representation under the Public safety and Prevention of crime and disorder licensing objectives.</p> <p>Mr Giles was not present at the hearing.</p> <p><b>Children &amp; Young People's Services</b></p> <p>Lisa Kennedy of the London Borough of Havering's Safeguarding &amp; Service Standards Unit made a representation under the Prevention of harm to children, Prevention of crime &amp; disorder</p>

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		<p>and Public safety licensing objectives</p> <p>Ms Kennedy was not present at the hearing.</p> <p><b>4. Response from the Premises Licence holder</b></p> <p>Mr Hopkins, representing the licence holder, advised that Ms Rogers would be continuing with her statement dated the 2 November 2017.</p> <p>Mr Hopkins advised that his client categorically denied that the firearm had been stored in the safe of the premises.</p> <p>Mr Hopkins also advised that his client had dealt with the incident involving the sword and the corrosive liquid in a poor manner and should have made contact with the police at the time.</p> <p>Ms Rogers had accepted that it was a serious incident that had taken place on 19 October 2017 and that the police should have been involved from the outset.</p> <p>Mr Hopkins advised that additional CCTV cameras had now been installed at the premises which offered 31 day storage and the licence holder was happy to let the police inspect the new set up.</p> <p>Mr Hopkins also advised that the licence holder was willing to offer a number of measures to support her going forward including the provision of SIA trained door staff on weekend evenings, additional conditions relating to CCTV, update of drug/weapon</p>

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		<p>policies, dispersal policy and an updated incident book.</p> <p>The Sub-Committee was also advised that Ms Rogers' partner was a SIA trained door supervisor and that he would be able to spend more time at the premises.</p> <p><b>5. Determination of Application</b></p> <p>At the outset of the hearing, Mr Hopkins on behalf of the licence holder made an application to exclude the CCTV evidence. He did so on the basis that it had not been served in good time as he had not been able to view it, the disc that was served being corrupted. It was noted by the Chairman that Ms Rodgers had viewed the footage at a previous hearing. Upon the Chairman indicating that Mr Hopkins would be given time at the outset of the hearing to view the footage, he did not persist in his application and took the opportunity to view the footage prior to commencement of the hearing. He was afforded 40 minutes to do so.</p> <p>The Sub-Committee determined the application for a review of the premises licence in accordance with the provisions 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, proportionate and justified on the evidence.</p> <p>The Sub-Committee listened carefully to the submissions made by all parties.</p> <p>The licence holder accepted that there has been a failure to uphold the licensing objectives on</p>

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		<p>this occasion. The Sub-Committee found that the failures to uphold the licensing objectives in this case to be particularly serious.</p> <p>The Sub-Committee had considered whether the imposition of additional conditions or a period of suspension would remedy these failures. However, the Sub-Committee was of the view any such action would be insufficient given the poor management being displayed at the premises. The Sub-Committee did not have confidence that the present management of the premises was capable of upholding the licensing objectives. The Sub-Committee found Ms Rogers' initial account to the police, as detailed in the statement of PC Goodwin, and her account to the Sub-Committee, as set out in her witness statement which she adopted again today, at odds with the CCTV and also the accounts given by the victims and the suspect to the police. The Sub-Committee found particularly grave the failure of Ms Rogers to telephone the police in relation to any of the events witnessed or items discovered by staff on 19 October 2017.</p> <p>The Sub-Committee were of course mindful of the financial impact revocation would have on the premises. However, it considered that the premises had been managed irresponsibly and as such the only appropriate and proportionate response was to revoke the premises licence.</p> <p>The interim closure order shall remain in force pending any appeal.</p> <p><b>Appeal</b></p> <p>Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may make an order for costs as it sees fit.</p> <p>Richard Cursons Clerk to the Licensing Sub-Committee</p>

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<b>A2</b>		