



Havering

L O N D O N B O R O U G H

LICENSING SUB-COMMITTEE THE BELL INN - REVIEW

AGENDA

10.30 am	Monday 20 November 2017	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Linda Trew (Chairman)
Frederick Thompson (Vice-Chair)
Wendy Brice-Thompson

**For information about the meeting please contact:
Richard Cursons - 01708 432430
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Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENT

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 REPORT OF THE CLERK (Pages 1 - 6)

5 APPLICATION TO REVIEW A PREMISES LICENCE (Pages 7 - 228)

Andrew Beesley
Head of Democratic Services

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LICENSING SUB-COMMITTEE 20 November 2017

REPORT

Subject Heading:

Procedure for the Hearing
Licensing Act 2003

Report Author and contact details:

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Officer
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REPORT OF THE CLERK

PROCEDURE FOR THE HEARING: LICENSING ACT 2003 (REVIEW OF LICENCE)

This is a hearing to consider an application for a review of a licence under section 51 of the Licensing Act 2003. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A member of the Licensing Committee will be excluded from hearing an application where he or she:
 - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
 - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
 - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;

1.2.4 has a personal interest in the application.

2. Roles of other participants:

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Location and facilities:

- 3.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 3.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

4. Notification of attendance:

- 4.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

5. Procedural matters:

- 5.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 5.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The party requesting the review will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 7 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The Chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points on which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the party requesting the review of the licence
- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local Environmental Health Authority;
- the Local Weights and Measures Authority;

- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party whose premises is the subject of the licence review.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

The prevention of crime and disorder;

Public safety;

The prevention of public nuisance; and

The protection of children from harm.

6. Failure of parties to attend the hearing:

- 6.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

7. Adjournments and extension of time:

7.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:

- Review of premises licences following closure orders made under the Licensing Act 2003 where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.
- Other reviews of premises licenses where the Sub-Committee must make a determination within 28 days of the end of the statutory consultation period.

8. Sub-Committee's determination of the hearing:

8.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.

8.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.

8.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

9. Power to exclude people from hearing:

9.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:

- it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
- that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

10. Recording of proceedings:

10.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

11. Power to vary procedure:

- 11.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.

LICENSING SUB-COMMITTEE

REPORT

Date 20 November 2017

Subject heading:

Report author and contact details:

The Bell Inn, 32 Broadway, Rainham,
RM13 9YW
s.53A expedited premises licence
Mr Kasey Conway, Licensing Officer
5th floor Mercury House
licensing@havering.gov.uk
01708 432555

This application for an expedited premises licence review is made by PC Oisin Daly on the behalf of the Metropolitan Police under s.53A of the Licensing Act 2003. The application was received by Havering's Licensing Authority at 13:00 on 25th October 2017.

Geographical description of the area and description of the building

The premises is a Public House located at 32 Broadway, Rainham Village. It also operates as a hotel, offering a number of rooms for rent directly above the pub. The premises is approximately 295 metres east of New Road Rainham. There are a number of shops to the left of The Bell which have flats directly above. There is another Public House, The New Angel Inn directly opposite and also The Phoenix Public House, which is approximately 140 metres west of The Bell.

A map of the area is attached.

Details of the application

Current premises licence hours:

Day	Start	Finish
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:00
Sunday	11:00	23:00

Premises History

The original licence was grandfathered over from its form as a Justice Licence to a Premises Licence with the introduction of the Licensing Act 2003. This application was made on the 16/09/2005.

The licence was transferred from the licence holder at that time to the current licence holder, Sharon Elizabeth Rogers.

This application was received by Havering's Licensing Department on the 05/08/2013.

A Designated Premises Supervisor variation was also submitted on the same date, installing Ms Rogers as the DPS.

A meeting took place on Thursday 17th December 2015, prior to the minor variation being submitted. The meeting was attended by the licence holder, Sharon Rogers, previous licence holder Joseph Turner, Licensing Police Officer Belinda Goodwin, Police Licensing Officer Jason Rose and Licensing Officer Paul Campbell.

Havering's Licensing Department received an application for a minor variation to the licence on 13/01/2016. The details of the variation are as follows, to revert back to 23:00, closing Friday, Saturday and Sunday & To remove door supervisors from the said nights.

The Police were consulted regarding the minor variation but had no objection in relation to the variation being granted.

The minor variation was then granted on the 29/1/2016.

Since Sharon transferred the Premises Licence into her name, Six Temporary Event Notices have been submitted.

- 15/09/2013, no objection was received by either The Police or Environmental Health. 13/06/2014 was submitted with no objection from either The Police or Environmental Health.
- 16/10/2015, this was rejected as the application did not state whether Ms Rogers had sent copies to Environmental Health and The Police. There was not a finish time either as to when the event would end, only a start date.
- 16/10/2015, no objection was received by either The Police or Environmental Health. 13/06/2014 was submitted with no objection from either The Police or Environmental Health.
- 12/10/2016, no objection was received by either The Police or Environmental Health. 13/06/2014 was submitted with no objection from either The Police or Environmental Health.
- 26/01/2017, no objection was received by either The Police or Environmental Health. 13/06/2014 was submitted with no objection from either The Police or Environmental Health.
- 05/06/2017, no objection was received by either The Police or Environmental Health. 13/06/2014 was submitted with no objection from either The Police or Environmental Health.

List of documents attached to be included with agenda

- Map of area
- Premises Licence
- Sections 12 & 13 of Revised 182 guidance
- Health & Safety Rep
- Children's Services Rep

List of confidential documents attached, not to be included in agenda

- Sharon Rogers witness statement
- Minutes of 17/12/2015 meeting
- Assisting Police documents

Summary

There were 0 representations against this application from interested persons.

There were 2 representations against this application from responsible authorities.
They were submitted by Health & Safety and Children's Services.

12. Summary reviews

- 12.1 Summary reviews can be undertaken when the police consider that the premises concerned is associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.
- 12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

Application for summary review

- 12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).
- 12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises is associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on gov.uk.
- 12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
- (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
 - (b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- 12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also

used.

- 12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):
- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises. It is not expected that this power will be used as a first response to a problem and summary reviews triggered by a single incident are likely to be the exception.
 - The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
 - Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?
 - What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?
- 12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe or for an appropriate period determined by the licensing authority.
- 12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately.

The licensing authority and interim steps pending the review

- 12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded¹¹.

¹¹ This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

12.11 The licensing authority may want to consult the police about the steps that it thinks are necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

12.13 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.14 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which

would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

Making representations against the interim steps

- 12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.
- 12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.
- 12.19 At the hearing to consider representations against interim steps the licensing authority must:
- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
 - determine whether to withdraw or modify the steps taken.
- 12.20 When considering the case the licensing authority must take into account:
- the senior officer's certificate that accompanied the application;
 - the chief officer's representations (if any); and
 - any representations made by the premises licence holder.

- 12.21 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The review of the premises licence under section 53C

- 12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives, consider any relevant representations, and review the interim steps already taken (if any).
- 12.23 In making its final determination the steps the licensing authority can take are:
- the modification of the conditions of the premises licence;
 - the exclusion of a licensable activity from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of the licence.
- 12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 12.25 The licensing authority must:
- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
 - advertise that any representations which the premises licence holder, responsible authority or any other person want the licensing authority to consider at the review hearing, should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
 - give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.
- 12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –
- whether he intends to attend or be represented at the hearing;
 - whether he considers a hearing to be unnecessary.
 - whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

- 12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.
- 12.28 The licensing authority must notify its decision and the reasons for making it to:
- the holder of the premises licence;
 - any person who made relevant representations; and
 - the chief officer of police who made the original application.

Review of the interim steps under section 53D

- 12.29 The licensing authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged (see below information on right of appeal). To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under section 53C has been reached. In making its decision, the licensing authority must consider any relevant representations made.
- 12.30 In conducting the review of the interim steps the licensing authority has the power to take any of the steps that were available to it at the initial stage (see paragraph 12.13). Any interim steps taken at the review hearing apply until—
- (a) the end of the period given for appealing against a decision made under section 53C (21 days),
- (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
- (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

Right of appeal against review of interim steps decision

- 12.31 The licence holder or the chief officer of police may appeal against the decision made by the licensing authority concerning its review of the interim steps to a magistrates' court. The appeal must be made within 21 days of the appellant being notified of the licensing authority's decision and must be heard by the magistrates' court within 28 days beginning with the day on which the appellant lodged the appeal.

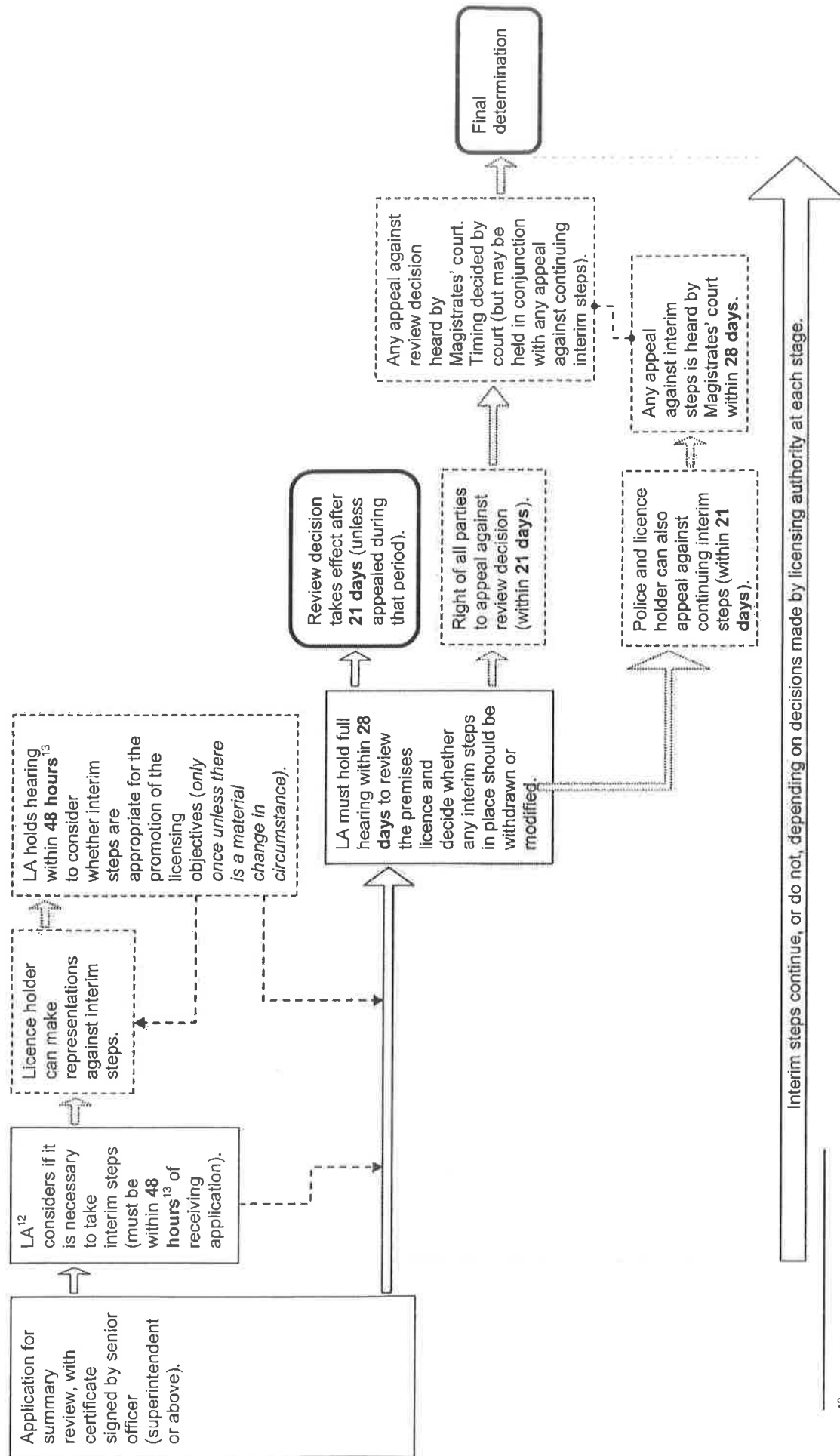
Right of appeal against final review decision

- 12.32 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 12.33 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.
- 12.34 Where appeals are lodged both against the decision following the review of the interim steps and against the final determination, the courts may decide to consider the appeal against the final determination within the 28 day period, allowing the interim steps appeal to be disposed of at the same time.

Flow diagram of the summary review process

- 12.35 The following flow diagram summarises the process.

Summary review flowchart



Interim steps continue, or do not, depending on decisions made by licensing authority at each stage.

¹² Licensing authority

¹³ Only working days count

13. Appeals

- 13.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.

General

- 13.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated.
- 13.3 An appeal has to be commenced by the appellant giving a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.
- 13.4 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant, licence holder, club or premises user against the representations of a responsible authority or any other person, or the objections of the chief officer of police, the Home Office (Immigration Enforcement), or local authority exercising environmental health functions, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal, and the person who made the relevant representation or gave the objection will be the appellants.
- 13.5 Where an appeal has been made against a decision of the licensing authority, the licensing authority will in all cases be the respondent to the appeal and may call as a witness a responsible authority or any other person who made representations against the application, if it chooses to do so. For this reason, the licensing authority should consider keeping responsible authorities and others informed of developments in relation to appeals to allow them to consider their position. Provided the court considers it appropriate, the licensing authority may also call as witnesses any individual or body that they feel might assist their response to an appeal.
- 13.6 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.
- 13.7 On determining an appeal, the court may:
- dismiss the appeal;
 - substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
 - remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

All parties should be aware that the court may make an order for one party to pay another party's costs.

On any appeal, the court is not entitled to consider whether the licence holder should have been convicted of an immigration offence or been required to pay an immigration penalty, or whether they should have been granted by the Home Office permission to be in the UK. This is because separate rights exist to appeal these matters or to have an immigration decision administratively reviewed.

Licensing policy statements and Section 182 guidance

- 13.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it was justified to do so because of the individual circumstances of any case. In other words, while the court will normally consider the matter as if it were "standing in the shoes" of the licensing authority, it would be entitled to find that the licensing authority should have departed from its own policy or the Guidance because the particular circumstances would have justified such a decision.
- 13.9 In addition, the court is entitled to disregard any part of a licensing policy statement or this Guidance that it holds to be ultra vires the 2003 Act and therefore unlawful. The normal course for challenging a statement of licensing policy or this Guidance should be by way of judicial review, but where it is submitted to an appellate court that a statement of policy is itself ultra vires the 2003 Act and this has a direct bearing on the case before it, it would be inappropriate for the court, on accepting such a submission, to compound the original error by relying on that part of the statement of licensing policy affected.

Giving reasons for decisions

- 13.10 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

Implementing the determination of the magistrates' courts

- 13.11 As soon as the decision of the magistrates' court has been promulgated, licensing authorities should implement it without delay. Any attempt to delay implementation will only bring the appeal system into disrepute. Standing orders should therefore be in place that on receipt of the decision, appropriate action should be taken immediately unless ordered by the magistrates' court or a higher court to suspend such action (for example, as a result of an on-going judicial review). Except in the case of closure orders, the 2003 Act does not provide for a further appeal against the decision of the magistrates' courts and normal rules of challenging decisions of magistrates' courts will apply.

Provisional statements

- 13.12 To avoid confusion, it should be noted that a right of appeal only exists in respect of the terms of a provisional statement that is issued rather than one that is refused. This is because the 2003 Act does not empower a licensing authority to refuse to issue a provisional statement. After receiving and considering relevant representations, the licensing authority may only indicate, as part of the statement, that it would consider certain steps to be appropriate for the promotion of the licensing objectives when, and if, an application were made for a premises licence following the issuing of the provisional statement. Accordingly, the applicant or any person who has made relevant representations may appeal against the terms of the statement issued.

John Wade
Public Protection Manager

Housing & Public Protection
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Miss Sharon Rogers
Bell Inn PH
Broadway
Rainham
RM13 9YW

Telephone: 01708 432777
Fax: 01708 432554
email: licensing@havering.gov.uk
Textphone 9: 01708 433175

Date: 29th January 2016

My Reference: PJJ/001561

Dear Madam

Licensing Act 2003 – Premises Licence Number - 001561
Bell Inn Broadway Rainham RM13 9YW

This document in PDF format is the Premises Licence for the above address in accordance with the provisions of the Licensing Act 2003.

Please note the London Borough of Havering no longer produces paper versions of Premises Licenses.

You are reminded that the premises licence or a certified copy of the licence must be kept at the premises while the licence summary, known as Part B, must be displayed on the premises in a prominent position.

To comply with the legislation a printed or electronic version of this document will be accepted as the Premises Licence, this must be available for inspection by an authorised officer also "Part B" must be displayed either printed or electronically.

Full details of the Licensing Act regulations can be found on the GOV.UK website
<https://www.gov.uk/alcohol-licensing>

Please note that the granting of a licence under this Act does not remove the need for any necessary consent under other legislation, such as the Planning Acts. The fact that a licence has been granted on certain terms does not imply that similar terms will be agreed under other legislation.

For further information relating to your licence please contact the Licensing Authority at the address detailed above.

This authority/organisation is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.havering.gov.uk/Pages/ServiceChild/Fair-processing-notice.aspx>

Cont....

Yours faithfully

Paul Campbell
Licensing Specialist



Premises licence number

001561

Part 1 – Premises details

Postal address of premises

Bell Inn
Broadway Rainham RM13 9YW

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films, Live Music, Recorded Music, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Films
Sunday – 20:00 to 23:00

Live Music, Recorded Music
Friday to Sunday – 20:00 to 23:00

Supply of alcohol
Monday to Sunday – 11:00 to 23:00

The opening hours of the premises

Monday to Sunday – 11:00 to 23:30

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

On and off supplies

1 of 5

Signed

Paul Campbell, Licensing Specialist

Date of issue 29/01/2016

Part 2

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

**Miss Sharon Elizabeth Rogers
Bell Inn PH The Broadway Rainham RM13 9YW
01708 525496**

Registered number of holder

Not applicable

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

**Miss Sharon Elizabeth Rogers
Bell Inn PH The Broadway Rainham RM13 9YW**

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

12590 – London Borough of Havering

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 must 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;

- (d) 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;
 - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 (3) 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 either—
 (a) A holographic mark, or
 (b) An ultraviolet feature.
 6. The responsible person must 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;
 (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”
 7. The admission of children, that is persons aged under 18, to the exhibition of any film shall be restricted in accordance with any recommendation made by the film classification body designated by section 4 of the Video Recordings Act 1984.

3 of 5

Signed

Paul Campbell, Licensing Specialist

Misc. Act./001561/PJJ03649

Page 27

Date of issue 29/01/2016

9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. Full details of this Mandatory Condition can be found at:- <http://www.legislation.gov.uk/ukdsi/2014/9780111109120>

Annex 2 – Conditions consistent with the operating schedule

1. Children shall not be allowed on the premises after 19:00.
2. 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.
3. All Personal Licence Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification.
4. Where the sale of alcohol is a licensed activity no persons under 18 shall be admitted to, or allowed to remain on the premises between 21:00hrs and 06:00hrs, unless specifically covered in the Children's Policy. The policy shall be approved in writing by Havering Police.
5. 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.
6. 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 18 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 or photographic driving licence only.
7. At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Havering Police guidelines for Standard Minimum Closed Circuit Television Requirements.
8. A CCTV system shall be installed or the existing system maintained. 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.'
9. 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.
10. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. 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 tape shall be used on no more than 12 occasions to maintain the quality of the recorded image.

11. The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after consultation with and written approval of, Havering Police and the Licensing Authority.

12. 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.

13. 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.

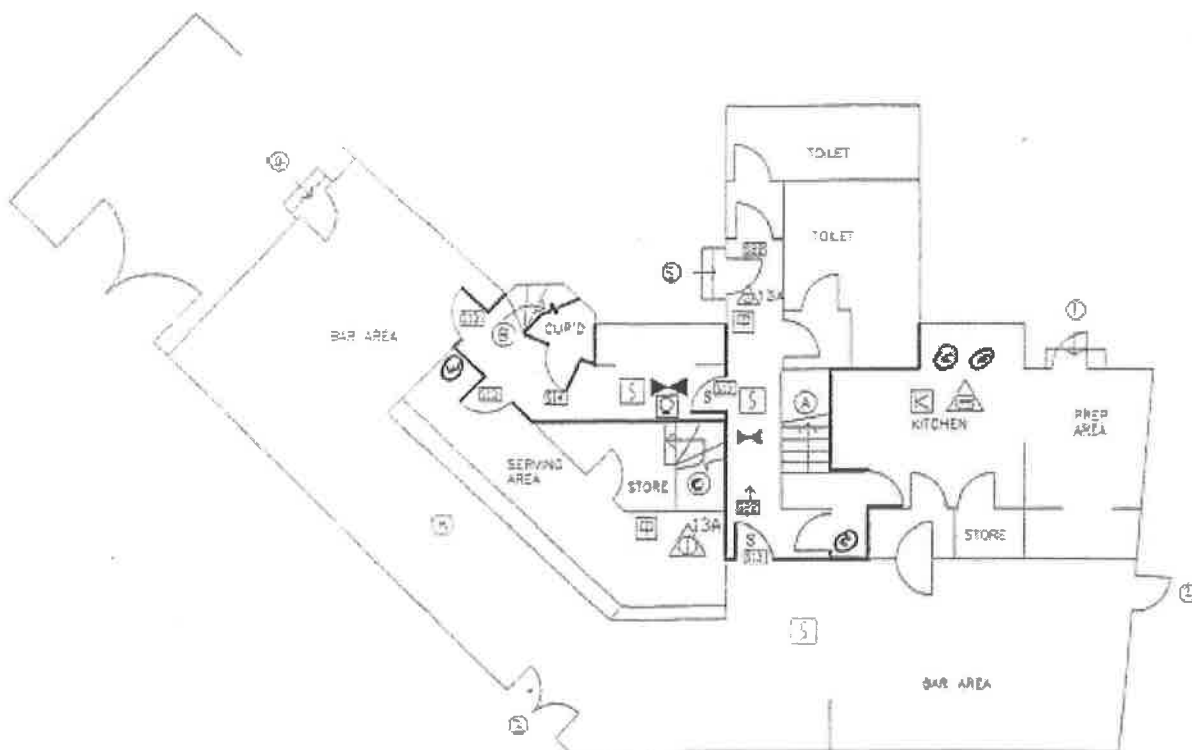
14. The premises licence holder shall adopt and support a Challenge 21 scheme.

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

Not applicable

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:



5 of 5

Signed

Paul Campbell, Licensing Specialist

Misc. Act./001561/PJJ03649

Page 29

Date of issue 29/01/2016



Part B

Premises licence summary

Premises licence number

001561

Premises details

Postal address of premises

Bell Inn
Broadway Rainham RM13 9YW

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films, Live Music, Recorded Music, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Films

Sunday – 20:00 to 23:00

Live Music, Recorded Music

Friday to Sunday – 20:00 to 23:00

Supply of alcohol

Monday to Sunday – 11:00 to 23:00

The opening hours of the premises

Monday to Sunday – 11:00 to 23:30

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

On and off supplies

Name, (registered) address of holder of premises licence

Miss Sharon Elizabeth Rogers
Bell Inn PH The Broadway Rainham RM13 9YW

1 of 2

Signed

Paul Campbell, Licensing Specialist

Date of issue 29/01/2016

Registered number of holder

Not applicable

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

Miss Sharon Elizabeth Rogers

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

Restricted

2 of 2

Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning a licence application for the premises as detailed below.

Premises Name and address: The Bell Inn, Broadway Rainham RM13 9YW

Your Name: John Giles_

Organisation name/name of body you represent: London Borough of Havering- Health and Safety

Your Address: _

5th Floor, Mercury House, Mercury Gardens, Romford, RM1 3SL _

Email: _john.giles@haverling.gov.uk_

Contact telephone number_01708 432641

Policy Considerations

Licensing Policy 1

In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:

- whether the premises is located in an area of cumulative impact;
- the type of premises and their cumulative impact on the area and the mix of premises in the area;
- the location of the premises and the character of the area;
- the views of the responsible authorities;
- the views of other persons;
- past compliance history of current management;
- the proposed hours of operation;
- the type and number of customers likely to attend the premises;
- whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch

Representation

I wish to make representation as a Responsible Authority under the public safety and prevention of crime and disorder licensing objectives in supporting the application made by the Metropolitan Police.

From the information supplied by the metropolitan police for the summary licence review the premises licence holder and DPS, Sharon Rogers, failed to demonstrate a high standard of management in that she failed to contact the police following the

incident on the 19th October 2017. In Pc Daly's statement she admits she knew about the incident and had found the samurai sword and acid in the garden. The garden being open to any of the customers of the premises could affect the safety of the patrons of the garden. It is very concerning that she did not feel it necessary to contact the police at the first possible instance following the incident to report the fire arm and weapons.

Complaint and Inspection History (if applicable)

Other documents attached

Signed

dated

Representation on behalf of Children's Services in respect of the Licence at The Bell Public House

I wish to make representation on behalf of children's services in respect of the license at The Bell Inn Public House in Rainham.

I would support the Police in their concerns over the safety, in particular, of children who may be living, staying, or attending the premises. I have consulted with the Group Safeguarding Manager, Principle Social Worker and Assistant Director for Children's Services who are all in agreement in respect of the following child safeguarding concerns:

The Bell Inn is open to children until 19:00hrs. There are rooms attached to the pub which can be rented and therefore there is also a chance that small children may stay there with parents.

I understand that on the night of the alleged incident that the suspect and victim were present at the premises from late afternoon. Children were seen on CCTV at these times. The suspect was seen at one point to be carrying a firearm on his person, indicating that he may have been in possession of this whilst children were present.

It has been established that drugs are being taken in full view of the bar, and other customers, without any challenge from the Ms Rogers.

A samurai sword and acid were removed from the garden area by the Ms Rogers. This area is frequented by her children, and other children visiting or staying at the premises.

A serious act of violence occurred at the premises involving several men, which resulted in two men sustaining serious injuries. This was not deemed by Ms Rogers to warrant any report to Police and in fact evidence was removed (sword) and disposed of (acid).

There have been threats of retaliation by the victims of this incident to Police, and Ms Rogers herself has also had threats, including the burning down of these premises, putting both her own children and any children visiting at risk of being caught up in violence.

I am concerned that Ms Rogers is unable to identify the risk to children and has failed to challenge or report crime, and that the following licensing objectives are not being met:

Prevention of crime and disorder

Prevention of harm to children

Public safety.

Kind regards

Lisa Kennedy

LADO (Local Authority Designated Officer)
London Borough of Havering
7th Floor,
Mercury House,
Mercury Gardens,
Romford,
Essex,
RM13SL.
01708 431653.

LICENSING SUB-COMMITTEE

27 October 2017

REPORT

Subject heading:

Report author and contact details:

**The Bell Inn, 32 Broadway, Rainham,
RM13 9YW
s.53A expedited premises licence
Mr Kasey Conway, Licensing Officer
5th floor Mercury House
licensing@havering.gov.uk
01708 432555**

This application for an expedited premises licence review is made by PC Oisin Daly on the behalf of the Metropolitan Police under s.53A of the Licensing Act 2003. The application was received by Havering's Licensing Authority at 13:00 on 25th October 2017.

This application is made under the provisions of s.53A of the Act. As such, s.53A(2)(a) requires that within 48 hours of the receipt of the application the licensing authority considers whether it is necessary to take interim steps pending the determination of the review application. This hearing is to enable the licensing authority to comply with this duty.

s.53B(3) requires that the licensing authority must consider whether to take the following interim steps:

- (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

This consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the licensing authority (s.53B(2)). Any decision the licensing authority may make takes effect immediately or as soon after as the licensing authority directs (s.53B(5)(a)). The licensing authority must then give immediate notice of its decision to the premises licence holder and the chief officer of Police.


**METROPOLITAN
POLICE**
TOTAL POLICING

Form for Applying for a Summary Licence Review
Application for the review of a premises licence under section 53A of the Licensing Act 2003
 (premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name: Metropolitan Police Service

Address:

19 Main rd, Romford, Essex

Post town: Romford

Post code: RM1 3BJ

Ref. No.:

I PC DALY 2364EA

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

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

THE BELL INN, BROADWAY,

Post town: RAINHAM

Post code: RM13 9YW
(if known)

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

Miss Sharon Rogers

Number of premises licence or club premises certificate (if known):

001561

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm: ☒

PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

On 19th October 2017 two males were found by the London Ambulance Service in two separate locations in East London both with injuries. One had a stab wound to his hand and the other was having a seizure having fallen down the stairs at a tube station. It was established that both individuals had been involved in an altercation at THE BELL INN, RAINHAM. It is alleged that one of the males was blamed for smashing a car window in the pub car park, he was set upon by a group of up to seven males, one armed with a firearm and acid. He was hit with a Kosh before being stabbed in the head with a samurai sword. The other male was slashed on his hand causing serious injuries. A suspect was identified at the time and absconded through a window when police attended their home address. The victims state that they had been in the pub during the day and a firearm had been passed from behind the bar.

On the 24th October licensing officers attended to speak with the owners as no contact had been made in spite of emails and phone calls.

The owner was aware of the incident and described it as above, she stated that she had found a samurai sword in the garden area as well as a bottle of acid. She could not give a good reason as to why she did not phone police on the night or since in order to collect the sword.

Upon viewing CCTV officers found that the suspect and victims can be seen in one another's company in the bar area on the night in question. They are in open view of the bar and of other customers when they openly snort what is believed to be cocaine from the back of their hands. The suspect is then joined by another male, there appears to be a heated discussion between the group. During this discussion the suspect removes a long handled pistol from his pocket and openly waves it around before placing it down the front of his trousers. The owner speaks to the suspect and victims and they appear to know each other. The suspect and the firearm remain outstanding, the victims have been unwilling to assist police in investigations and may seek reprisals for the assault. Recent intelligence reports detail the suspect frequenting the premises.

Due to the high risk of retaliation and a lack of confidence in the management police respectfully request a temporary suspension of the premises licence to mitigate the risks involved and make changes to the business to manage that risk now and in the future.

Signature of applicant

Signature:

R. Dal 2364 KA

Date:

25/10/17

Capacity:

LICENSING OFFICER

Contact details for matters concerning this application

Surname:

DALY

First Names:

Oisin

Address:

Romford Pol Stn, Main rd,

Post town:

ROMFORD

Post code:

RM1 3BJ

Tel. No.:

01708779162

Email:

Oisin.Daly@met.pnn.police.uk

Notes for guidance


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
both serious crime and serious disorder

Premises (Include business name and address and any other relevant identifying details):

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

THE BELL INN, BROADWAY

Post town: Rainham

Post code:
(if known)

RM13 9YW

Premises licence number (if known):

001561

Name of premises supervisor (if known):

Miss Sharon ROGERS

I am a **SUPERINTENDENT*** in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

I am of the opinion that this incident is so severe that measures need to be put in place with immediate effect to protect the public and to prevent further crime and disorder. The management failed to inform police that there had been an incident and that weapons had been found. CCTV evidence has been seized by police, however, the incident is not covered and will require forensic examination of the hard drive. On what CCTV can be seen there is open drug taking in full public view, the suspect is also seen to brandish a firearm. The suspect remains outstanding, potentially with a firearm, and there is a significant risk that the victims may also seek retribution. The suspect is known to frequent the venue and there is a risk to members of the public who could inadvertently get caught in a violent situation.

Signature
Signature:
Date:

 25¹⁰ 2017

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC DALY 2364EA..... URN:

01

Age if under 18

Over 18(if over 18 insert 'over 18') Occupation:
Police constable

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

PC Dal 2364 BA

Date:

*25/10/17*Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This statement of evidence relates to a licensing visit to THE BELL INN, RAINHAM on the 24th October 2017. On Tuesday the 24th of October 2017 at approx 1200hrs I was on duty in plain clothes along with PC GOODWIN when we attended the THE BELL INN, RAINHAM to speak with the licensee, a female who I know to be Sharon ROGERS, about an incident which had occurred the previous Thursday and according to the victims had happened at the pub. Attempts had been made by PC GOODWIN, as well as detectives, to get in touch with Miss ROGERS to no avail.

The incident itself has been recorded on CRIS 5417372/17 and is summarised on the summary review application. This crime is exhibited as OPD/1 and has been redacted as this investigation is ongoing and disclosure of details may prejudice any investigation. An additional crime for possession of a firearm has been recorded on CRIS 5417627/17.

There are several recent intelligence reports which link the suspect to the venue, one also details the incident and threatened reprisals.

Redacted versions are detailed below:

KDRT00335201 – 20/10/2017

On 19/10/2017 Police were called to [REDACTED] Station with report of a MALE having a seizure and blood pouring from his head. This MALE is [REDACTED]. He was at the BELL INN pub in RAINHAM where he was assaulted. He managed to make his way to [REDACTED] where he collapsed down the stairs. CAD 008844/19/10/2017

[REDACTED] claimed he was attacked by 5-7 Males, One being [REDACTED]. The Males made [REDACTED] take his clothes off where they then hit him on the back numerous times with a KOSH. He was then stabbed in the head with a samurai sword. While being treated at [REDACTED], BTP had stopped [REDACTED] at [REDACTED] with a stab wound to the hand. Both [REDACTED] stated they saw [REDACTED] brandish a black revolver style handgun with a brown handle. The gun could hold 6 bullets maximum and when seeing the hand gun it was loaded with 4 bullets.

Both [REDACTED] claim that the barmaid at the pub held the gun behind the counter for them. In the toilets the group of men had a large white bottle of acid that was poured over a urinal, hand sanitizer and a jacket to show what acid can do.

Signature:

PC Dal 2364 BA

Signature witnessed by:

Continuation of Statement of

PC 2364 EA

On the Ambulance [REDACTED] Said "I'm gonna go for him, I'm gonna catch him and Fucking kill him, I dont care about prison time" [REDACTED] also said that he has his boys already sorting this out as we sat in hospital. [REDACTED] made a comment also about burning the pub to the ground.

This is for information sharing.

KDRT00333393 – 16/08/2017

[REDACTED] regularly carries a knife on his persons

He keeps it in a black pouch

[REDACTED] frequents the BELL pub in RAINHAM

KDRT00331968 – 29/06/2017

[REDACTED] frequents the BELL INN RAINHAM on the BROADWAY .

KDRT00330618 – 16/05/2017

[REDACTED] assaulted [REDACTED] in the Bell Inn RAINHAM on 14/05/2017

Upon attending the venue Miss ROGERS informed us that she was aware of the incident, when questioned as to why she hadn't phoned police she could not give a reasonable answer. She also stated that she had found a samurai sword in the garden following the incident. I exhibit a photograph of this sword as OPD/2. Miss ROGERS also stated that she had found a bottle of acid in the garden which she had disposed of down a drain. Whilst interrogating CCTV at the venue we saw footage of the suspect identified above dish out what is believed to be cocaine onto the hands of three other people and they proceed to snort it in full view of the bar and other members of the public. The suspect is then seen on CCTV to brandish what appears from the footage to be a pistol. Miss ROGERS is seen speaking with the suspect in the footage. I then seized the CCTV from the venue. I also seized a second CCTV box which had been located in a child's bedroom upstairs, this should have covered the car park and the incident, however, Miss ROGERS claimed that there was a problem with the visuals on it.

The suspect is known to frequent the venue, the victims have made threats of retaliation against the suspect and a threat of arson against the venue. The suspect remains outstanding and may be in possession of a firearm. The victims are aware that the suspect is armed and it is reasonable to assume that they may also arm themselves when seeking retaliation. There is also a strong possibility that the victims may seek to attend the venue in search of the suspect. There is currently no CCTV operating in the venue and any fitted will need to be approved by police. So far, the owner and DPS has not fully co-operated with police investigations and failed to inform police of the incident at the time.

Due to the high risk of retaliation and a lack of confidence in the management police respectfully request a temporary suspension of the premises licence to mitigate the risks involved and make changes to the operating schedule.

PC Del 2364 EA

Signature:

PC Del 2364 EA

Signature witnessed by:

WITNESS STATEMENT**Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9**

URN

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Statement of: Belinda Goodwin

Age if under 18: over (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

(witness)



Date:

25/10/2017

On Friday 20th October I was on duty in plain clothes working within my role as a Police licensing Officer for the East Area BCU that I have been in for the last two and a half years. It is my role to scrutinise the overnight crimes and to determine if there are any that are reported within licensed premises and for us to make contact with the venues if necessary. I was made aware through this system that there had been an incident whereby two male victims had been in THE BELL INN HOTEL, BROADWAY, RAINHAM RM13 9YW earlier on in the evening of the 19th October 2017 and that there had been an incident where someones car was damaged in the car park area of the venue and that he was blamed for this and he was jumped on by a group of males that he was hit in the back with a weapon and then punched in the face and then stabbed in the head with a Sanurai sword. There was also mention that one of the males had a gun. The males then left the scene and they were found at WEST HAM underground station, one had fallen and had a head wound and the other had slash to the outside of one of his hands and upper arm. There was mention on the crime report that Police had made attempts to contact the manager of the venue Sharon ROGERS, who is also the DPS and premise licence holder at the venue but could not get a response. I then attempted, with the recent number that I had for Sharon to call her and I also sent her an e-mail asking for her to get in touch urgently so as officers could attend the venue to interrogate the CCTV. I passed all this information over to the investigating officer. I made several attempts to call Sharon all through the day and had no reply and no facility to leave a message. Monday 23rd October 2017 I e-mailed Sharon again and informed her to make contact and that we would be visiting the venue the next day at 12:00hrs. In the meantime a suspect had been identified for the offence and attempts were made to arrest this person but he escaped and is currently at large. On Tuesday 24th October at approximately 12:45hrs myself and PC Daly attended the BELL INN in an a marked Police vehicle which when we pulled into the car park there were three young children playing in this area, as we entered Sharon ROGERS was behind the bar on her own. I asked her why she had not responded to my e mail and she said that she had not looked at her ipad. I asked her what she knew of and incident that took place on Thursday night, she said that she came down to the bar around nine o'clock and that a male who she has never seen before came into the venue from the garden area, that he was bleeding and he was saying something about a car being damaged. Sharon then said that one of her staff went out to the garden and found a white plastic bottle, which when she poured the contents out seemed to be acid or a corrosive as it burned through her clothes. Sharon then said that she found a large type sword in the car park area, she picked this up and brought it into the premise. At no point did Sharon say that she saw a gun. I asked her if she knew the suspect and she confirmed that she did, but that he had just been getting in there in the last week or so as he often causes trouble. I asked why she did not feel the need or the urgency to call Police considering there would have been a substantial amount of blood at the venue and that a corrosive substance and a large sword had been found and she could not give us a reason as to why she did not do this. I asked to look at the CCTV from the car park and garden area and she said that these particular cameras were not working, that she had contacted the engineer. I asked her to show us the CCTV from inside the bar area, she said that the suspect had been in the venue from around five o'clock, so we asked her to show us footage from then. The suspect was visible on the CCTV with three other males. Whilst we continued to watch it was evident that the males were all very intoxicated, they were swaying around and very unsteady on their feet. When we got to the time of roughly 20:18hrs I could see the suspect take out a white substance from his person, then hand it over to two of the males and one of the males then placed this substance on the back of his right hand and he snorted the substance up his nose. The other male did the same and then the suspect took some himself and stuck it up his nose. Again he was very unsteady on his feet and he started to fidget with his jacket that he had on, I could



see him reach into his right jean pocket and take out a large hand gun, dark in colour. The suspect started to wave the gun around in his right hand and he then placed the gun down the front of his trousers with the handle of the gun poking out of the top. The suspect is in there for another while talking to other males, then I could see Sharon approach the group and speak to them, the suspect still had the gun poking out at the top of his jeans and then he does his jacket up. Upon speaking to Sharon she informed us that later that night someone appeared in the car park area, with a balaclava covering their face, they seemed to be a male and they was shouting her name. She then said that she received a call on her mobile phone, she thinks that this was the suspect and he said "there is going to be a war". The victims that were involved in this incident have been heard to say that they will seek revenge and that they would burn the pub down.

I am writing this statement in relation to a review of the premise licence for BELL INN, BROADWAY, RAINHAM RM13 9YW for the following reasons. There has been serious offences committed on the premises and the DPS Sharon ROGERS made no attempt to call an ambulance or inform Police what had happened. There has been potentially a loss of criminal evidence due to blood being washed away and weapons been thrown away and handled. I also believe that the suspect has been frequenting the venue over a longer period and that this behaviour is normal at the venue, to accept open drug use and to deal to other customers. At one point there are small children in the venue when the suspect is there earlier on in the day in question. On the footage Sharon seems very comfortable in speaking to the suspect and is not seen to challenge him in any way. I feel that there could be a real threat to public safety within the venue, and I have no confidence that this premise is being operated to a good standard. It seems that three of the licensing objectives are most certainly not being adhered to namely, Prevent of crime and disorder, prevention of harm to children and public safety so would ask that the Licensing Sub Committee review the licence.

At the time of writing this statement the suspect is still at large.

I would like to add my exhibit of BG/2 and BG/3 - e-mails to DPS Sharon ROGERS

Signature:

[Handwritten signature] 469SEA

Signature witnessed by:

[Large handwritten signature] 469SEA

BC/2

Goodwin Belinda'B' - EA-CU

From: Goodwin Belinda'B' - EA-CU
Sent: 20 October 2017 08:35
To: 'sharon rogers'
Subject: Urgent

Sharon,

Please can you call me 01708779187

Belinda Goodwin 4695EA

Licensing Officer - Metropolitan Police - Havering

Met Phone **759282/01708779282**

Address - **ROMFORD POLICE STATION 19 MAIN ROAD, ROMFORD, ESSEX RM1 3BJ or 5th Floor, Mercury House, Mercury Gardens, RM1 3SL**

E mail - Belinda.goodwin@met.pnn.police.uk

BA/3

Goodwin Belinda'B' - EA-CU

From: Goodwin Belinda'B' - EA-CU
Sent: 23 October 2017 08:57
To: sharon rogers
Cc: Daly Oisin P - EA-CU
Subject: Urgent -

Sharon,

I am very disappointed and frustrated at the lack of response from you with regards to an incident that has allegedly occurred at your venue..

I will be visiting tomorrow to view the CCTV please can you make yourself available from 1200hrs

Regards

From: Goodwin Belinda'B' - EA-CU
Sent: 20 October 2017 08:35
To: 'sharon rogers' <sharon.rogers@live.co.uk>
Subject: Urgent

Sharon,

Please can you call me 01708779187

Belinda Goodwin 4695EA

Licensing Officer - Metropolitan Police - Havering

Met Phone **759282/01708779282**

Address - **ROMFORD POLICE STATION 19 MAIN ROAD, ROMFORD, ESSEX RM1 3BJ or 5th Floor, Mercury House,**

Mercury Gardens, RM1 3SL

E mail - Belinda.goodwin@met.pnn.police.uk

General Information

Screening Decision: IN

Main

IU: KD HAVERING
Crime Type: C H/O Crime Type: 1
Allegation (Prefix):
Allegation:
Committed on/from Date: THU 19/10/2017 18:30
Committed to Date: THU 19/10/2017 22:15
Reported Date: THU 19/10/2017 22:20
How Notified: NP Phone Call to Police
Restricted? By: Date:
Restriction Reason:

Flags

KD

Borough

Branch

Service

Area (Historical)

VR Body Worn Video Devices

OIC

Is OIC Same As Reporting Officer ?
Investigating Officer's Rank: DC
Surname: MEEKCOMS Initials: D
Warrant Number: 243744 Div/D Number: Usual Relief:
Duty: AA Borough Uniform
Station/Branch: JI REDBRIDGE BOROUGH
Allocated Date/Time: 20/10/2017 14:08
Allocation Noted? Y Noted Date/Time: 20/10/2017 15:15
BWV Noted? Y BWV Noted Date/Time: 20/10/2017 15:16

Previous OIC Details

Usual Relief	Duty	Station Branch	Allocated Date/Time	Noted Date/Time	BWV Noted Date/Time
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OIC Supervisor: DS266EA/200439 NM LEE

Press

Suitable for Press? N
Restrictions:
Is this a Specrim? N
Date/Time:
Was a Firearm Used? Y
Was other Weapon Used? Y
Are there Terrorist Implications? N
Was a Suspect present on Police arrival? N
No. of Suspects Present:
Was the Suspect(s) arrested? N
No. of Suspects Arrested:

General Information

Source System References

Source System Name	Source System Reference	Entered Date/Time	Entered By
CAD	008844/19OCT17	20/10/2017 05:07	PC 2545EA/234665 SM MOSTYN

Totals

Total Values:

Stolen £:	Outstanding £:	Damaged £:
Recovered £:		Damaged On Recovery £:

Total:

VIW(s):	2	Property	0	Vehicles(s):	0
Accused:	0	Suspect(s):	2	CAIT Subject(s):	0

Drugs/Fraud

Is this CR for an arrest for possession etc. (not theft) of controlled drugs?

If Fraudulent Use-Item Used: N

DV/Hate Crime

Is this a Hate Crime/Domestic Incident/Carer Abuse? N

Domestic Incident? Forced Marriage?

Honour Based Violence? Hate Crime?
Carer Abuse?

Initial Risk Assessment (SPECSS+):

Completed by:

Initial Risk Assessment Management Supervised?

Completed by:

Current Risk Assessment (SPECSS+):

Completed by:

Form 124D Completed?

Completed by:

General Information

Form124D Supervised?

Completed by:

Received by the CSU?

CSU Reference

Completed by:

LGBT Relationship?

Category of Hate Crime

Race?

Faith/Religion/Belief?
Homophobia?

Religion Name:

Transphobia?

Disability?

Targeted because of Vulnerability?

Digital Evidence

Is there Body Worn Video content in this case? Y

Audio/Visual Content

#	AV Type	WtNo	Exhibit No	Evidential	Master	Link/66	Content shows
1	BWV Footage	234957	KAM/03	Y		https://met.uk.evidence.com/axon/evidence?evidence_id=53b093fd4acc40a096f60f9bf47b99cf&partner_id=85575e0c7f814dbb8e4a0073265aa36e	Victims initial account
2	BWV Footage	244002	HAC/01	Y		https://met.uk.evidence.com/axon/evidence?evidence_id=53b093fd4acc40a096f60f9bf47b99cf&partner_id=85575e0c7f814dbb8e4a0073265aa36e	Victims initial account

~~Data Protection Act - Dispose Of As Confidential Waste~~

PC O DALY 364KD 228118

CR:5417372/17 CrType:C Notifiable/MPS/Other:N-1 Status:U Press:N Class:S/GBH W/I GLU:KD

General Information

#	AV Type	WtNo	Exhibit No	Evidential	Master	Link/66	Content shows
						ce.com/axon/evidenc e?evidence_id=a8a9 e8dfbc71424abc25d c4c8d465457&partn er_id=85575e0c7f81 4dbb8e4a0073265aa 36e	

Location

OMPD?

Address:

O/S, The Bell Inn, BROADWAY,
RAINHAM, ESSEX, RM13 9YW

Location Text:

Reportedly took place in the pub garden.

GLU: KD Local Id: KD13

Grid Ref: 552125,182125

Watch Area:

Main

Location Type(s): JA Public House

Is the Venue covered by CCTV or in a CCTV Area? Y

CCTV Options: CD CCTV Recovered By Police

Approach:

Entry Method:

Entry Point:

Exit Point:

Security:

Person On Premises?

Other Info:

Internal Transfer

Date/Time	Transferred By	Previous GLU	Previous IU
-----------	----------------	--------------	-------------

Transfer From MPS

Transfer from Met To:-

Service:

Station:

Their Reference:

Received By:-

Rank:

Number:

Surname:

Details of Investigation

20/10/2017 06:52

PC 234957 1690EA K MARTIN

Service Flag VR added

20/10/2017 07:12

PC 234665 2545EA SM MOSTYN

PRIMARY INVESTIGATION DETAILS : 1 Immediate action

1. CADs 8844/19OCT17; 9080/19OCT17; 8835/19OCT17 refer.

Units on scene: PC MARTIN 1690EA, PC CASE 1103EA (first on scene at [REDACTED])

BTP Units EH134 and EH2599 (first on scene at [REDACTED])

LAS Call Signs K150 and J221

EA11 - DC Mostyn, DC Moore and DC Jethwa

Details of CADs/Initial Calls:

8835/19OCT17 at 22:17 – LAS called to a male (later establish to be [REDACTED]) with a stab wound to the hand at [REDACTED]. He is also transported to [REDACTED].

8844/19OCT17 at 22:20 – LAS generated call stating a male, (later established to be [REDACTED]) was found [REDACTED] Underground Station. He had a head injury, had fallen down a flight of stairs at the station and was having a seizure. Victim is reluctant to talk to police but they get him into the ambulance and he is transported to [REDACTED].

It is established that [REDACTED] and that both sustained their injuries in an incident at THE BELL INN PUBLIC HOUSE in RAINHAM (the CADs make mention of a Reptile shop but when spoken to by attending officers both [REDACTED] said that the attack occurred in the garden of THE BELL INN).

9080/19OCT17 at 22:53 – victim [REDACTED] states that he was assaulted at THE BELL INN by 7 IC1 males one armed with a firearm and acid.

Due to limited information from the victims and vague timelines, MXA39 did not declare a firearms incident.

2. ****DETAILS PROVIDED BY VICTIMS****

[REDACTED] were initially spoken to by the officers who accompanied them to [REDACTED] and later by CID.

[REDACTED] (who were

Details of Investigation

20/10/2017 07:12

PC 234665 2545EA SM MOSTYN

PRIMARY INVESTIGATION DETAILS : 1 Immediate action
in the same ward) were both unforthcoming and confrontational. Between criticising police and
constantly trying to discharge themselves, they provided the following details:

██████████ stated that he arrived at The BELL at around 4pm along with ██████████. He
said it was his first time at the venue.

During the course of the afternoon, a male they know by the ██████████
██████████ used a cosh to smash the
window ██████████ in THE BELL car park ██████████
An unknown male ██████████ who had been "getting pissed" in the pub came
out into the pub garden and demanded to know who had damaged his car.

At this point ██████████ said that ██████████ was responsible, even though ██████████ said that
he had nothing to do with the damage.

██████████ then said that he was jumped on by a group of IC1 males.

██████████ stated that he was wearing a camouflage jumpsuit and camouflage Nike airmax trainers.
They made him take these clothes off and then hit him on the back with a kosh a couple of times and
punched in the face. He was then stabbed in the head by a samurai sword.

██████████ said that during the incident ██████████ brandished a handgun that been passed to him from
behind the bar. ██████████

██████████ is however the only person he mentioned by name.

██████████ was very vague about what had happened but during the

Details of Investigation

20/10/2017 07:12

PC 234665 2545EA SM MOSTYN

PRIMARY INVESTIGATION DETAILS : 1 Immediate action
altercation was slashed along the outside of his hand and lower arm.

[REDACTED]

[REDACTED]

During the altercation, [REDACTED] was slashed along the outside of his hand and lower arm.

[REDACTED]

PRIMARY INVESTIGATION DETAILS : 2 Scene

PRIMARY INVESTIGATION DETAILS : 3 Forensics

PRIMARY INVESTIGATION DETAILS : 4 Victims/Witnesses

PRIMARY INVESTIGATION DETAILS : 5 Suspects

PRIMARY INVESTIGATION DETAILS : 6 Other evidence

20/10/2017 07:13

PC 234665 2545EA SM MOSTYN

****INJURIES / MEDICAL ASSESSMENT****

[REDACTED] has a deep, extensive wound running from the base of his little finger up his lower arm (about 8cm long). Photos saved on S:\All Boroughs\EA - East Area\INVESTIGATIONS\THE BELL

Details of Investigation

PUBLIC HOUSE ASSAULT 19.10.17). Injury declared non-life threatening / changing by Dr Stan Poupalos [REDACTED]

[REDACTED] has a slash wound to his hairline / forehead, bruising to his face and extensive bruising to

20/10/2017 07:13

PC 234665 2545EA SM MOSTYN

his back. CT scan conducted given head injury. Injuries also deemed non-life changing / threatening.

20/10/2017 07:22

PC 234665 2545EA SM MOSTYN

****SCENE****

According to the CADs and what the victims have told officers, the scene is the pub garden of THE BELL INN. Once this had been established there were no response units to go directly to the alleged scene. CID attended and could not access the pub garden which was secured by tall metal gates. There was no "buzzer" as such and nobody responding from the living quarters of the pub. [REDACTED]

Different numbers that could be found for the landlady Sharon Rogers 11/07/1968 were tried by DC Moore Sharon [REDACTED] but there was no response. IIP research shows that this venue has a history of not being co-operative with police investigations / adhering to their licensing conditions. It is known that there is CCTV at the venue and this needs to be the first point of call.

Both victims insisted that a handgun was being passed from behind the bar although this information was very vague.

[REDACTED]

Details of Investigation

20/10/2017 07:22

PC 234665 2545EA SM MOSTYN

[REDACTED]

20/10/2017 07:24

PC 234665 2545EA SM MOSTYN

==CLOTHING SEIZED==

[REDACTED]

Photos of injuries taken by DC Jethwa saved in "Investigations" on EA shared drive

20/10/2017 08:06

PC 234665 2545EA SM MOSTYN

[REDACTED]

Details of Investigation

20/10/2017 08:40

PC 215388 2741EA AD HOLLAND

[REDACTED]

20/10/2017 08:48

PC 227597 4695EA B GOODWIN

seen and noted by KD Licensing team... tried calling Sharon Rogers this morning [REDACTED]
continuous ringing then hung up ... e-mail sent to Rogers this morning for her to urgently contact me.

20/10/2017 13:17

DS 200439 266EA NM LEE

[REDACTED]

Details of Investigation

20/10/2017 13:17

DS 200439 266EA NM LEE

mail eventually and I have left contact details for the office.

20/10/2017 15:48

DC 243744 D MEEKCOMS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Details of Investigation

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

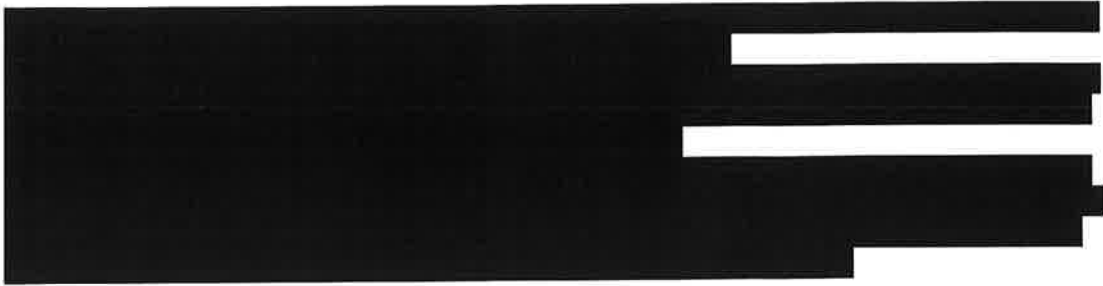
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Details of Investigation



Details of Investigation

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**Licensing Act 2003
Notice of Decision****PREMISES:**

The Bell Inn
Broadway, Rainham
RM13 9YW

DETAILS OF APPLICATION

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.

APPLICANT

PC Oisin Daly
Romford Police Station
Main Road, Romford
RM1 3BJ

1. Details of existing licensable activities

The venue had a Premises Licence number 001561 which permitted the sale of alcohol - Monday to Sunday – 11.00 to 23.00

The current licence holder at the premises was Miss Sharon Elizabeth Rogers.

2. Grounds for Summary Review

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.

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.

3. Details of Representation**Metropolitan Police**

PC Oisin Daly addressed the Sub-Committee orally, provided a written summary, in

addition to the application and supporting evidence he provided with it.

The Sub-Committee was informed that the suspect has been arrested but that the firearm remained outstanding.

PC Belinda Goodwin showed the Sub-Committee extracts of CCTV from the premises and photographs of the wounds to the victims. She identified on the CCTV footage, the following:

- 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 removal of the samurai sword to somewhere else in the pub when it had just been used to wound someone

PC Oisin Daly also provided a police rationale for summary review in accordance with s.182 guidance, that supported his application.

4. Response from the Premises Licence holder

Although Ms Rogers had told the police that she would attend, she didn't and provided no written representations.

5. Determination of Application

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.

The Sub-Committee were mindful of the need to reach a decision that was appropriate and proportionate and justified on the evidence.

The Sub-Committee listened carefully to the submissions made by the police.

The Sub-Committee considered the interim steps that they must take into

account, namely:

- (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.

The Sub-Committee found there had 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 were children that lived on the premises and an abject failure by management to deal with, or manage the risk.

The presence of a firearm being openly brandished, a samurai sword used in the attack that was moved, and held by Ms Rogers, after its use, and that acid had been found at the scene were serious breaches of the licence conditions, along with a failure by Ms Rogers to call the police and ambulance service.

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. The Sub-Committee considered the possibility that it afforded for changes to the Interim Measure upon receipt of representations by Ms Rogers, and for ongoing review should there be a material change of circumstances.

Richard Cursons
Clerk to the Licensing Sub-Committee

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Direct E-mail: julian.abraham@sternberg-reed.co.uk

OUR REF: JA/PJC/ROG0182/1

YOUR REF:

URGENT

Licensing Public Protection
London Borough of Havering
The Town Hall, Main Road,
Romford,
Essex RM1 3BB

BY SPECIAL DELIVERY

31 October 2017

Dear Sirs

Appeal against suspension of Premises Licence by Havering Licensing Sub Committee

We act for Ms Sharon Rogers who holds the Premises Licence in respect of the Bell Inn, Broadway, Rainham, Essex RM13 9YW.

It is our client's intention to appeal against this suspension and we accordingly lodge herewith :-

1. Notice of appeal dated 31st October 2017
2. Havering Licensing Sub Committee's Notice of Decision (the decision being appealed) dated 25th October 2017
3. Metropolitan Police Application form for a Summary Licence Review dated 25th October 2017.

We do not know if there is a fee payable on this matter, but please inform us immediately if there is, and we will ensure that the fee is paid forthwith.

Please acknowledge safe receipt.

Yours faithfully

STERNBERG REED

Focal House
12/18 Station Parade
Barking, Essex, IG11 8DN
Telephone 020 8591 3366
Facsimile 020 8594 4606
DX 8501 BARKING
www.sternberg-reed.co.uk

Direct Dial: 020 8532 7031
Please ask for: Julian Abraham

Partners:

MOHINDER S. GILL
RAJENDRA SHARMA
JULIAN ABRAHAM
ELIZABETH BENDALL
SOULLA KOKKINOS
BEN THOMAS
ANDREW CROSSLEY
KELLY ROTHERAM (Non-Solicitor)
KATHRYN TURNER

Associate Partners:

FRANCES ANDERSON
ABI LAYIWOLA

Consultant Solicitors:

GORDON M. REED
KENNETH CARR
MARTINE TAUBE
ZOE MCGRATH
CHRIS TAYLOR
DAVID BARBONE
JULIAN BEARD
RICHARD COOPER
YVETTE KRESNER

Senior Associate:

YVONNE SNOW

Associates:

ARLEIGH DAVIES
DEE KAUR
GERARD SHAW
JENEANE GAMBLE
JONATHAN KNOWLES
FRANCESCA CLAY

Senior Executive:

DEAN EMERY

Also At:

GRAYS:
Upper Floors,
6 – 8 High Street,
GRAYS, Essex RM17 6LU

ROMFORD:
102-106 South Street
Romford, Essex, RM1 1RX

Licensing Act 2003

In the matter of the Bell Inn, Broadway, Rainham

In the matter of a summary license review under section 53 A of Licensing Act 2003

Notice of Appeal

1. The Appellant is the premises licence holder of the Bell Inn, Broadway, Rainham. An application was made by the Metropolitan Police for a summary review of the premises licence on 25th October 2017 and heard by the licensing sub-committee at Havering District Council.
2. The sub-committee's decision having heard the evidence presented to the MPS was given was that it was necessary to suspend the license – although it did not say for how long.
3. Sharon Rogers, the premises licence holder did not attend the hearing; on Wednesday 25 October 2017 in the afternoon she was served with the Application for Summary Licence Review by PC Daly who was in the company of Casey Conway of Havering Licensing Department. PC Daley informed her of two hearings, the first of which would be the next day at 10.00 am at Romford County Court. She asked if she would be able to attend that hearing and was informed by Casey Conway that she would not be allowed to attend, however she would have wished to. In addition, she had received very late notice of an application was to be made and endeavoured to instruct solicitors to advise her. However, given the lateness of notice given to her she was unable to do so. She did not attend the hearing in person feeling that it was beyond her to do so but did contact solicitors when she could.
4. She now wishes to appeal the decision because:
 - a. She was not represented at the hearing
 - b. No evidence was admitted on her behalf
 - c. She contests the version of events described by PC's Daley and Goodwin
 - d. She has been the premises license holder since 2013, but has worked at the premises since 2005 during which time her partner Joseph Turner held the premises licence, and there has never been any difficulty or trouble with the police and certainly not of

the seriousness and character of the alleged incident that led to the suspension of the premises licence.

- e. In all the circumstances the decision was unjust and disproportionate,

STERNBERG REED

31 October 2017

**Licensing Act 2003
Notice of Decision**

PREMISES:

The Bell Inn
Broadway, Rainham
RM13 9YW

DETAILS OF APPLICATION

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.

APPLICANT

PC Oisin Daly
Romford Police Station
Main Road, Romford
RMI 3BJ

1. Details of existing licensable activities

The venue had a Premises Licence number 001561 which permitted the sale of alcohol - Monday to Sunday – 11.00 to 23.00

The current licence holder at the premises was Miss Sharon Elizabeth Rogers.

2. Grounds for Summary Review

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.

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.

3. Details of Representation

Metropolitan Police

PC Oisin Daly addressed the Sub-Committee orally, provided a written summary, in

addition to the application and supporting evidence he provided with it.

The Sub-Committee was informed that the suspect has been arrested but that the firearm remained outstanding.

PC Belinda Goodwin showed the Sub-Committee extracts of CCTV from the premises and photographs of the wounds to the victims. She identified on the CCTV footage, the following:

- 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 removal of the samurai sword to somewhere else in the pub when it had just been used to wound someone

PC Oisin Daly also provided a police rationale for summary review in accordance with s.182 guidance, that supported his application.

4. Response from the Premises Licence holder

Although Ms Rogers had told the police that she would attend, she didn't and provided no written representations.

5. Determination of Application

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.

The Sub-Committee were mindful of the need to reach a decision that was appropriate and proportionate and justified on the evidence.

The Sub-Committee listened carefully to the submissions made by the police.

The Sub-Committee considered the interim steps that they must take into

account, namely:

- (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.

The Sub-Committee found there had 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 were children that lived on the premises and an abject failure by management to deal with, or manage the risk.

The presence of a firearm being openly brandished, a samurai sword used in the attack that was moved, and held by Ms Rogers, after its use, and that acid had been found at the scene were serious breaches of the licence conditions, along with a failure by Ms Rogers to call the police and ambulance service.

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. The Sub-Committee considered the possibility that it afforded for changes to the Interim Measure upon receipt of representations by Ms Rogers, and for ongoing review should there be a material change of circumstances.

Richard Cursons
Clerk to the Licensing Sub-Committee


**METROPOLITAN
POLICE**
TOTAL POLICING
Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name: Metropolitan Police Service

Address:

19 Main rd, Romford, Essex

Post town: Romford

Post code: RM1 3BJ

Ref. No.:

I PC DALY 2364EA

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

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

THE BELL INN, BROADWAY,

Post town: RAINHAM

Post code: RM13 9YW
(if known)

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

Miss Sharon Rogers

Number of premises licence or club premises certificate (if known):

001561

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm: ☒

PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both (Please read guidance note 2)

On 19th October 2017 two males were found by the London Ambulance Service in two separate locations in East London both with injuries. One had a stab wound to his hand and the other was having a seizure having fallen down the stairs at a tube station. It was established that both individuals had been involved in an altercation at THE BELL INN, RAINHAM. It is alleged that one of the males was blamed for smashing a car window in the pub car park, he was set upon by a group of up to seven males, one armed with a firearm and acid. He was hit with a Kosh before being stabbed in the head with a samurai sword. The other male was slashed on his hand causing serious injuries. A suspect was identified at the time and absconded through a window when police attended their home address. The victims state that they had been in the pub during the day and a firearm had been passed from behind the bar.

On the 24th October licensing officers attended to speak with the owners as no contact had been made in spite of emails and phone calls.

The owner was aware of the incident and described it as above, she stated that she had found a samurai sword in the garden area as well as a bottle of acid. She could not give a good reason as to why she did not phone police on the night or since in order to collect the sword.

Upon viewing CCTV officers found that the suspect and victims can be seen in one another's company in the bar area on the night in question. They are in open view of the bar and of other customers when they openly snort what is believed to be cocaine from the back of their hands. The suspect is then joined by another male, there appears to be a heated discussion between the group. During this discussion the suspect removes a long handled pistol from his pocket and openly waves it around before placing it down the front of his trousers. The owner speaks to the suspect and victims and they appear to know each other. The suspect and the firearm remain outstanding, the victims have been unwilling to assist police in investigations and may seek reprisals for the assault. Recent intelligence reports detail the suspect frequenting the premises.

Due to the high risk of retaliation and a lack of confidence in the management police respectfully request a temporary suspension of the premises licence to mitigate the risks involved and make changes to the business to manage that risk now and in the future.

Signature of applicant

Signature:

R. Dal 2364 EA

Date:

25/10/17

Capacity:

Licensing Officer

Contact details for matters concerning this application

Surname: DALY

First Names:

Oisin

Address:

Romford Pol Sta, Main rd,

Post town: ROMFORD

Post code:

RM1 3BJ

Tel. No.: 01708779162

Email:

Oisin.Daly@met.pnn.police.uk

Notes for guidance


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003
Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
both serious crime and serious disorder

Premises (Include business name and address and any other relevant identifying details):

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

THE BELI INN, BROADWAY

Post town: Rainham

Post code:
(if known)

RM13 9YW

Premises licence number (if known):

001561

Name of premises supervisor (if known):

Miss Sharon ROGERS

I am a **SUPERINTENDENT*** in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

I am of the opinion that this incident is so severe that measures need to be put in place with immediate effect to protect the public and to prevent further crime and disorder. The management failed to inform police that there had been an incident and that weapons had been found. CCTV evidence has been seized by police, however, the incident is not covered and will require forensic examination of the hard drive. On what CCTV can be seen there is open drug taking in full public view, the suspect is also seen to brandish a firearm. The suspect remains outstanding, potentially with a firearm, and there is a significant risk that the victims may also seek retribution. The suspect is known to frequent the venue and there is a risk to members of the public who could inadvertently get caught in a violent situation.

Signature

Signature:

Sean Wilson
Sean Wilson

Date:

25¹⁰ 2017

Retention Period: 7 years
MP 147/12

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC DALEY 2364EA..... URN:

01

Age if under 18

Over 18

(if over 18 insert 'over 18') Occupation:
Police constable

This statement (consisting of: 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

PC DALEY 2364 EA

Date:

25/10/17

Tick if witness evidence is visually recorded ☐

(supply witness details on rear)

This statement of evidence relates to a licensing visit to THE BELL INN, RAINHAM on the 24th October 2017. On Tuesday the 24th of October 2017 at approx 1200hrs I was on duty in plain clothes along with PC GOODWIN when we attended the THE BELL INN, RAINHAM to speak with the licensee, a female who I know to be Sharon ROGERS, about an incident which had occurred the previous Thursday and according to the victims had happened at the pub. Attempts had been made by PC GOODWIN, as well as detectives, to get in touch with Miss ROGERS to no avail.

The incident itself has been recorded on CRIS 5417372/17 and is summarised on the summary review application. This crime is exhibited as OPD/1 and has been redacted as this investigation is ongoing and disclosure of details may prejudice any investigation. An additional crime for possession of a firearm has been recorded on CRIS 5417627/17.

There are several recent intelligence reports which link the suspect to the venue, one also details the incident and threatened reprisals.

Redacted versions are detailed below:

KDRT00335201 - 20/10/2017

On 19/10/2017 Police were called to [REDACTED] Station with report of a MALE having a seizure and blood pouring from his head. This MALE is [REDACTED]. He was at the BELL INN pub in RAINHAM where he was assaulted. He managed to make his way to [REDACTED] where he collapsed down the stairs. CAD 008844/19/10/2017

[REDACTED] claimed he was attacked by 5-7 Males, One being [REDACTED]. The Males made [REDACTED] take his clothes off where they then hit him on the back numerous times with a KOSH. He was then stabbed in the head with a samurai sword. While being treated at [REDACTED], BTP had stopped [REDACTED] at [REDACTED] with a stab wound to the hand. Both [REDACTED] stated they saw [REDACTED] brandish a black revolver style handgun with a brown handle. The gun could hold 6 bullets maximum and when seeing the hand gun it was loaded with 4 bullets.

Both [REDACTED] claim that the barmaid at the pub held the gun behind the counter for them. In the toilets the group of men had a large white bottle of acid that was poured over a urinal, hand sanitizer and a jacket to show what acid can do.

Signature:

PC DALEY 2364 EA

Signature witnessed by:

Continuation of Statement of

PC 2364 EA

On the Ambulance [REDACTED] Said "I'm gonna go for him, I'm gonna catch him and Fucking kill him, I dont care about prison time" [REDACTED] also said that he has his boys already sorting this out as we sat in hospital. [REDACTED] made a comment also about burning the pub to the ground.

This is for information sharing.

KDRT00333393 – 16/08/2017

[REDACTED] regularly carries a knife on his persons

He keeps it in a black pouch

[REDACTED] frequents the BELL pub in RAINHAM

KDRT00331968 – 29/06/2017

[REDACTED] frequents the BELL INN RAINHAM on the BROADWAY .

KDRT00330618 – 16/05/2017

[REDACTED] assaulted [REDACTED] in the Bell Inn RAINHAM on 14/05/2017

Upon attending the venue Miss ROGERS informed us that she was aware of the incident, when questioned as to why she hadn't phoned police she could not give a reasonable answer. She also stated that she had found a samurai sword in the garden following the incident. I exhibit a photograph of this sword as OPD/2. Miss ROGERS also stated that she had found a bottle of acid in the garden which she had disposed of down a drain. Whilst interrogating CCTV at the venue we saw footage of the suspect identified above dish out what is believed to be cocaine onto the hands of three other people and they proceed to snort it in full view of the bar and other members of the public. The suspect is then seen on CCTV to brandish what appears from the footage to be a pistol. Miss ROGERS is seen speaking with the suspect in the footage. I then seized the CCTV from the venue. I also seized a second CCTV box which had been located in a child's bedroom upstairs, this should have covered the car park and the incident, however, Miss ROGERS claimed that there was a problem with the visuals on it.

The suspect is known to frequent the venue, the victims have made threats of retaliation against the suspect and a threat of arson against the venue. The suspect remains outstanding and may be in possession of a firearm. The victims are aware that the suspect is armed and it is reasonable to assume that they may also arm themselves when seeking retaliation. There is also a strong possibility that the victims may seek to attend the venue in search of the suspect. There is currently no CCTV operating in the venue and any fitted will need to be approved by police. So far, the owner and DPS has not fully co-operated with police investigations and failed to inform police of the incident at the time.

Due to the high risk of retaliation and a lack of confidence in the management police respectfully request a temporary suspension of the premises licence to mitigate the risks involved and make changes to the operating schedule.

PC 2364 EA

Signature:

PC 2364 EA

Signature witnessed by:

2019(1)

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

URN

Statement of: Belinda Goodwin

Age if under 18: over (If over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

(witness)

Date:

25/10/2017

On Friday 20th October I was on duty in plain clothes working within my role as a Police licensing Officer for the East Area BCU that I have been in for the last two and a half years. It is my role to scrutinise the overnight crimes and to determine if there are any that are reported within licensed premises and for us to make contact with the venues if necessary. I was made aware through this system that there had been an incident whereby two male victims had been in THE BELL INN HOTEL, BROADWAY, RAINHAM RM13 9YW earlier on in the evening of the 19th October 2017 and that there had been an incident where someones car was damaged in the car park area of the venue and that he was blamed for this and he was jumped on by a group of males that he was hit in the back with a weapon and then punched in the face and then stabbed in the head with a Sanurai sword. There was also mention that one of the males had a gun. The males then left the scene and they were found at WEST HAM underground station, one had fallen and had a head wound and the other had slash to the outside of one of his hands and upper arm. There was mention on the crime report that Police had made attempts to contact the manager of the venue Sharon ROGERS, who is also the DPS and premise licence holder at the venue but could not get a response. I then attempted, with the recent number that I had for Sharon to call her and I also sent her an e-mail asking for her to get in touch urgently so as officers could attend the venue to interrogate the CCTV. I passed all this information over to the investigating officer. I made several attempts to call Sharon all through the day and had no reply and no facility to leave a message. Monday 23rd October 2017 I e-mailed Sharon again and informed her to make contact and that we would be visiting the venue the next day at 12:00hrs. In the meantime a suspect had been identified for the offence and attempts were made to arrest this person but he escaped and is currently at large. On Tuesday 24th October at approximately 12:45hrs myself and PC Daly attended the BELL INN in an unmarked Police vehicle which when we pulled into the car park there were three young children playing in this area, as we entered Sharon ROGERS was behind the bar on her own. I asked her why she had not responded to my e-mail and she said that she had not looked at her iPad. I asked her what she knew of an incident that took place on Thursday night, she said that she came down to the bar around nine o'clock and that a male who she has never seen before came into the venue from the garden area, that he was bleeding and he was saying something about a car being damaged. Sharon then said that one of her staff went out to the garden and found a white plastic bottle, which when she poured the contents out seemed to be acid or a corrosive as it burned through her clothes. Sharon then said that she found a large type sword in the car park area, she picked this up and brought it into the premise. At no point did Sharon say that she saw a gun. I asked her if she knew the suspect and she confirmed that she did, but that he had just been getting in there in the last week or so as he often causes trouble. I asked why she did not feel the need or the urgency to call Police considering there would have been a substantial amount of blood at the venue and that a corrosive substance and a large sword had been found and she could not give us a reason as to why she did not do this. I asked to look at the CCTV from the car park and garden area and she said that these particular cameras were not working, that she had contacted the engineer. I asked her to show us the CCTV from inside the bar area, she said that the suspect had been in the venue from around five o'clock, so we asked her to show us footage from then. The suspect was visible on the CCTV with three other males. Whilst we continued to watch it was evident that the males were all very intoxicated, they were swaying around and very unsteady on their feet. When we got to the time of roughly 20:18hrs I could see the suspect take out a white substance from his person, then hand it over to two of the males and one of the males then placed this substance on the back of his right hand and he snorted the substance up his nose. The other male did the same and then the suspect took some himself and stuck it up his nose. Again he was very unsteady on his feet, and he started to fidget with his jacket that he had on, I could

see him reach into his right jean pocket and take out a large hand gun, dark in colour. The suspect started to wave the gun around in his right hand and he then placed the gun down the front of his trousers with the handle of the gun poking out of the top. The suspect is in there for another while talking to other males, then I could see Sharon approach the group and speak to them, the suspect still had the gun poking out at the top of his jeans and then he does his jacket up. Upon speaking to Sharon she informed us that later that night someone appeared in the car park area, with a balaclava covering their face, they seemed to be a male and they was shouting her name. She then said that she received a call on her mobile phone, she thinks that this was the suspect and he said "there is going to be a war". The victims that were involved in this incident have been heard to say that they will seek revenge and that they would burn the pub down.

I am writing this statement in relation to a review of the premise licence for BELL INN, BROADWAY, RAINHAM RM13 9YW for the following reasons. There has been serious offences committed on the premises and the DPS Sharon ROGERS made no attempt to call an ambulance or inform Police what had happened. There has been potentially a loss of criminal evidence due to blood being washed away and weapons been thrown away and handled. I also believe that the suspect has been frequenting the venue over a longer period and that this behaviour is normal at the venue, to accept open drug use and to deal to other customers. At one point there are small children in the venue when the suspect is there earlier on in the day in question. On the footage Sharon seems very comfortable in speaking to the suspect and is not seen to challenge him in any way. I feel that there could be a real threat to public safety within the venue, and I have no confidence that this premise is being operated to a good standard. It seems that three of the licensing objectives are most certainly not being adhered to namely, Prevent of crime and disorder, prevention of harm to children and public safety so would ask that the Licensing Sub Committee review the licence.

At the time of writing this statement the suspect is still at large.

I would like to add my exhibit of BG/2 and BG/3 - e-mails to DPS Sharon ROGERS

Signature:

Signature witnessed by:

BC/2

Goodwin Belinda 'B' - EA-CU

From: Goodwin Belinda 'B' - EA-CU
Sent: 20 October 2017 08:35
To: 'sharon rogers'
Subject: Urgent

Sharon,

Please can you call me 01708779187

Belinda Goodwin 4695EA

Licensing Officer - Metropolitan Police - Havering

Met Phone **759282/01708779282**

**Address - ROMFORD POLICE STATION 19 MAIN ROAD, ROMFORD, ESSEX RM1 3BJ or 5th Floor, Mercury House,
Mercury Gardens, RM1 3SL**

E mail - Belinda.goodwin@met.pnn.police.uk

BC/3

Goodwin Belinda'B' - EA-CU

From: Goodwin Belinda'B' - EA-CU
Sent: 23 October 2017 08:57
To: sharon rogers
Cc: Daly Oisin P - EA-CU
Subject: Urgent -

Sharon,

I am very disappointed and frustrated at the lack of response from you with regards to an incident that has allegedly occurred at your venue..

I will be visiting tomorrow to view the CCTV please can you make yourself available from 1200hrs

Regards

From: Goodwin Belinda'B' - EA-CU
Sent: 20 October 2017 08:35
To: 'sharon rogers' <sharon.rogers@live.co.uk>
Subject: Urgent

Sharon,

Please can you call me 01708779187

Belinda Goodwin 4695EA
Licensing Officer - Metropolitan Police - Havering
Met Phone 759282/01708779282
Address - ROMFORD POLICE STATION 19 MAIN ROAD, ROMFORD, ESSEX RM1 3BJ or 5th Floor, Mercury House,
Mercury Gardens, RM1 3SL
E mail - Belinda.goodwin@met.pnn.police.uk

PC O DALY 364KD 228118

CR:5417372/17 CrType:C Notifiable/MPS/Other:N-1 Status:U Press:N Class:S/GBH W/I GLU:KD

General Information

Screening Decision: IN

Main

IU: KD HAVERING
 Crime Type: C H/O Crime Type: 1
 Allegation (Prefix):
 Allegation:
 Committed on/from Date: THU 19/10/2017 18:30
 Committed to Date: THU 19/10/2017 22:15
 Reported Date: THU 19/10/2017 22:20
 How Notified: NP Phone Call to Police
 Restricted? By: Date:
 Restriction Reason:

Flags

KD

Borough

Branch

Service

Area (Historical)

VR Body Worn Video Devices

OIC

Is OIC Same As Reporting Officer?

Investigating Officer's Rank: DC
 Surname: MEEKCOMS Initials: D
 Warrant Number: 243744 Div/D Number: Usual Relict:
 Duty: AA Borough Uniform
 Station/Branch: J1 REDBRIDGE BOROUGH
 Allocated Date/Time: 20/10/2017 14:08
 Allocation Noted? Y Noted Date/Time: 20/10/2017 15:15
 BWV Noted? Y BWV Noted Date/Time: 20/10/2017 15:16

Previous OIC Details

Usual Duty Relief	Station Branch	Allocated Date/Time	Noted Date/Time	BWV Noted Date/Time
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OIC Supervisor: DS266EA/200439 NM LEE

Press

Suitable for Press? N
 Restrictions:
 Is this a Specim? N
 Date/Time:
 Was a Firearm Used? Y
 Was other Weapon Used? Y
 Are there Terrorist Implications? N
 Was a Suspect present on Police arrival? N
 No. of Suspects Present:
 Was the Suspect(s) arrested? N
 No. of Suspects Arrested:

Data Protection Act - Dispose Of As Confidential Waste
PC O DALY 364KD 228118
CR:5417372/17 CrType:C Notifiable/MPS/Other:N-1 Status:U Press:N Class:S/GBH W/I GLU:KD
General Information

Source System References

Source System Name	Source System Reference	Entered Date/Time	Entered By
CAD	008844/19OCT17	20/10/2017 05:07	PC 2545FA/234665 SM MOSTYN

Totals

Total Values:

Stolen £:	Outstanding £:	Damaged £:
Recovered £:		Damaged On Recovery £:

Total:

VIW(s):	2	Property	0	Vehicles(s):	0
Accused:	0	Suspect(s):	2	CAIT Subject(s):	0

Drugs/Fraud

Is this CR for an arrest for possession etc. (not theft) of controlled drugs?
 If Fraudulent Use-Item Used: N

DV/Hate Crime

Is this a Hate Crime/Domestic Incident/Carer Abuse? N

Domestic Incident? Forced Marriage?

Honour Based Violence?
 Carer Abuse? Hate Crime?

Initial Risk Assessment (SPFCSS+):

Completed by:

Initial Risk Assessment Management Supervised?
 Completed by:

Current Risk Assessment (SPFCSS+):

Completed by:

Form 124D Completed?

Completed by:

General Information

Form124D Supervised?

Completed by:

Received by the CSU?

CSU Reference

Completed by:

IGBT Relationship?

Category of Hate Crime

Race?

Faith/Religion/Belief?
Homophobia?

Religion Name:

Transphobia?

Disability?

Targeted because of Vulnerability?

Digital Evidence

Is there Body Worn Video content in this case? Y

Audio/Visual Content

#	AV Type	WtNo	Exhibit No	Evidential	Master	Link/66	Content shows
1	BWV Footage	234957	KAM/03	Y		https://met.uk.evidenc.cc.com/axon/evidencce?evidenc_id=53b093fd4a0a096f0f9bf47b99cf&partner_id=85575e0c7f814dbb8e4a0073265au36u	Victims initial account
2	BWV Footage	244002	11AC/01	Y		https://met.uk.evidenc	Victims initial account

Data Protection Act - Dispose Of As Confidential Waste

PC O DALY 364KD 228118

CR:5417372/17 CrType:C Notifiable/MPS/Other:N-1 Status:U Press:N Class:S/GBH W/I GI.U;KD
General Information

#	AV Type	WtNu	Exhibit No	Evidential	Master	Link/66	Content shows
						ox.com/axon/evidenc e?evidence_id=a8a9 e8dfbc71424abc25d c4c8d465457&purl cr_id=85575c0c7f81 4dbb8c4a0073265aa 36e	

Location

OMPD?

Address:

O/S, The Bell Inn, BROADWAY,
RAINHAM, ESSEX, RM13 9YW

Location Text:

Reportedly took place in the pub garden.

GLU: KD Local Id: KD13

Grid Ref: 552125,182125

Watch Area:

Main

Location Type(s): IA Public House

Is the Venue covered by CCTV or in a CCTV Area? Y

CCTV Options: CD CCTV Recovered By Police

Approach:

Entry Method:

Entry Point:

Exit Point:

Security:

Person On Premises?

Other Info:

Internal Transfer

Date/Time

Transferred By

Previous GLU Previous IU

Transfer From MPS

Transfer from Met To:-

Service:

Station:

Their Reference:

Received By:-

Rank:

Number:

Surname:

Details of Investigation

20/10/2017 06:52

PC 234957 1690EA K MARTIN

Service Flag VR added

20/10/2017 07:12

PC 234665 2545EA SM MOSTYN

PRIMARY INVESTIGATION DETAILS : 1 Immediate action

1. CADs 8844/19OCT17; 9080/19OCT17; 8835/19OCT17 refer.

Units on scene: PC MARTIN 1690EA, PC CASE 1103EA (first on scene at [REDACTED])

BTP Units EH134 and EH2599 (first on scene at [REDACTED])

LAS Call Signs K150 and J221

EA11 - DC Mostyn, DC Moore and DC Jethwa

Details of CADs/Initial Calls:

8835/19OCT17 at 22:17 - LAS called to a male (later establish to be [REDACTED]) with a stab wound to the hand at [REDACTED]. He is also transported to [REDACTED].

8844/19OCT17 at 22:20 - LAS generated call stating a male, (later established to be [REDACTED]) was found [REDACTED] Underground Station. He had a head injury, had fallen down a flight of stairs at the station and was having a seizure. Victim is reluctant to talk to police but they get him into the ambulance and he is transported to [REDACTED].

It is established that [REDACTED] and that both sustained their injuries in an incident at THE BELL INN PUBLIC HOUSE in RAINILAM (the CADs make mention of a Reptile shop but when spoken to by attending officers both [REDACTED] said that the attack occurred in the garden of THE BELL INN).

9080/19OCT17 at 22:53 - victim [REDACTED] states that he was assaulted at THE BELL INN by 7 IC1 males one armed with a firearm and acid.

Due to limited information from the victims and vague timelines, MXA39 did not declare a firearms incident.

2. **DETAILS PROVIDED BY VICTIMS**

[REDACTED] were initially spoken to by the officers who accompanied them to [REDACTED] and later by CID.

[REDACTED] (who were

Details of Investigation

20/10/2017 07:12

PC 234665 2545FA SM MOSTYN

PRIMARY INVESTIGATION DETAILS : 1 Immediate action
in the same ward) were both unforthcoming and confrontational. Between criticising police and
constantly trying to discharge themselves, they provided the following details:

██████████ stated that he arrived at The BELT. at around 4pm along with ██████████. He
said it was his first time at the venue.

During the course of the afternoon, a male they know by the ██████████
██████████ used a cosh to smash the
window ██████████ in THE BRUJ. car park ██████████
An unknown male ██████████ who had been "getting pissed" in the pub came
out into the pub garden and demanded to know who had damaged his car.

At this point ██████████ said that ██████████ was responsible, even though ██████████ said that
he had nothing to do with the damage.
██████████ then said that he was jumped on by a group of IC1 males.

██████████ stated that he was wearing a camouflage jumpsuit and camouflage Nike airmax trainers.
They made him take these clothes off and then hit him on the back with a cosh a couple of times and
punched in the face. He was then stabbed in the head by a samurai sword.

██████████ said that during the incident ██████████ brandished a handgun that been passed to him from
behind the bar. ██████████

██████████ is however the only person he mentioned by name.

██████████ was very vague about what had happened but during the

Details of Investigation

20/10/2017 07:12

PC 234665 2545EA SM MOSTYN

PRIMARY INVESTIGATION DETAILS : 1 Immediate action
altercation was slashed along the outside of his hand and lower arm.

[REDACTED]

[REDACTED]

During the altercation, [REDACTED] was slashed along the outside of his hand and lower arm.

[REDACTED]

PRIMARY INVESTIGATION DETAILS : 2 Scene

PRIMARY INVESTIGATION DETAILS : 3 Forensics

PRIMARY INVESTIGATION DETAILS : 4 Victims/Witnesses

PRIMARY INVESTIGATION DETAILS : 5 Suspects

PRIMARY INVESTIGATION DETAILS : 6 Other evidence

20/10/2017 07:13

PC 234665 2545EA SM MOSTYN

****INJURIES / MEDICAL ASSESSMENT****

[REDACTED] has a deep, extensive wound running from the base of his little finger up his lower arm (about 8cm long). Photos saved on S:\All Boroughs\EA - East Area\INVESTIGATIONS\THE BELL.

25/10/2017 12:22

Page 8 of 16

CRIS Live

Details of Investigation

PUBLIC HOUSE ASSAULT 19.10.17). Injury declared non-life threatening / changing by Dr Stan Poupalos [REDACTED]

[REDACTED] has a slash wound to his hairline / forehead, bruising to his face and extensive bruising to

20/10/2017 07:13

PC 234665 2545EA SM MOSTYN

his back. CT scan conducted given head injury. Injuries also deemed non-life changing / threatening.

20/10/2017 07:22

PC 234665 2545EA SM MOSTYN

****SCENE****

According to the CADs and what the victims have told officers, the scene is the pub garden of THE BELL INN. Once this had been established there were no response units to go directly to the alleged scene. CID attended and could not access the pub garden which was secured by tall metal gates. There was no "buzzer" as such and nobody responding from the living quarters of the pub. [REDACTED]

Different numbers that could be found for the landlady Sharon Rogers (11/07/1968) were tried by DC Moore Sharon [REDACTED] but there was no response. IIP research shows that this venue has a history of not being co-operative with police investigations / adhering to their licensing conditions. It is known that there is CCTV at the venue and this needs to be the first point of call.

Both victims insisted that a handgun was being passed from behind the bar although this information was very vague.

[REDACTED]

20/10/2017 07:22

PC 234665 2545EA SM MOSTYN

[REDACTED]

20/10/2017 07:24

PC 234665 2545EA SM MOSTYN

--CLOTHING SEIZED--

[REDACTED]

Photos of injuries taken by DC Jethwa saved in "Investigations" on EA shared drive

20/10/2017 08:06

PC 234665 2545EA SM MOSTYN

[REDACTED]

Data Protection Act - Dispose Of As Confidential Waste

PC O DALY 364KD 228118

CR:5417372/17 CrType:C Notifiable/MPS/Other:N-1 Status:U Press:N Class:S/GBII W/I GLU:KD

Details of Investigation

20/10/2017 08:40

PC 215388 2741EA AD HOLLAND

[REDACTED]

20/10/2017 08:48

PC 227597 4695FA B GOODWIN

seen and noted by KD Licensing team... tried calling Sharon Rogers this morning [REDACTED]
continuous ringing then hung up ... e-mail sent to Rogers this morning for her to urgently contact me.

20/10/2017 13:17

DS 200439 266EA NM LEE

[REDACTED]

Details of Investigation

20/10/2017 13:17

DS 200439 266EA NM LEE

mail eventually and I have left contact details for the office.

20/10/2017 15:48

DC 243744 D MEEKCOMS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Details of Investigation

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

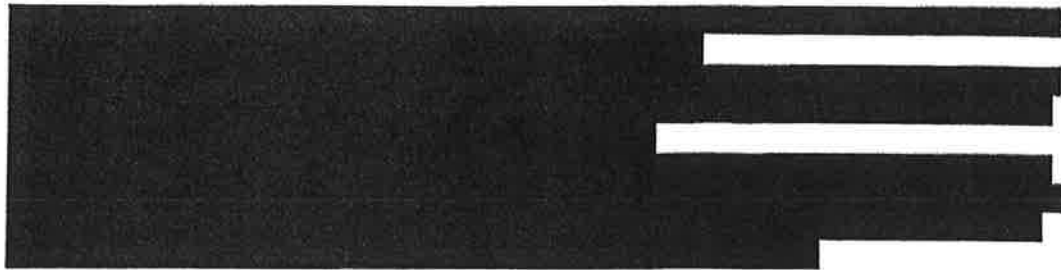
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Details of Investigation



Details of Investigation

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]



Havering
LONDON BOROUGH

**Licensing Act 2003
Notice of Decision**

PREMISES:

The Bell Inn
Broadway, Rainham
RM13 9YW

DETAILS OF APPLICATION

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.

That application was considered on Friday 27 October 2017 by the Sub-Committee and the licence was suspended.

An appeal was made by the Licence Holder and the Sub-Committee held a meeting on Friday 3 November 2017 to hear her representations.

APPLICANT

PC Oisin Daly
Romford Police Station
Main Road, Romford
RM1 3BJ

1. Details of existing licensable activities

The venue had a Premises Licence number 001561 which permits the sale of alcohol - Monday to Sunday – 11.00 to 23.00

The current licence holder at the premises was Miss Sharon Elizabeth Rogers.

2. Grounds for Summary Review

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.

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.

3. Details of Representation

Havering Council

The Licensing Officer attended and introduced the application.

Metropolitan Police

PC Oisin Daly addressed the Sub-Committee. He did not add to the application and evidence submitted in advance of the hearing.

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:

- 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 had allegedly just been used to wound someone

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.

4. Response from the Premises Licence holder

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.

The Sub-Committee was informed that the suspect has been arrested, charged and remanded into custody.

5. Determination of Application

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.

The Sub-Committee was mindful of the need to reach a decision that was appropriate and proportionate and justified on the evidence.

The Sub-Committee listened carefully to the submissions made by Ms Rogers' Counsel.

The Sub-Committee considered the interim steps that they must take into account, namely:

- (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.

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.

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.

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.

Richard Cursons
Clerk to the Licensing Sub-Committee

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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