

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 17 July 2018

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

Part A – Items considered in public

<p>A6</p>	<p>REPRESENTATION AGAINST INTERIM STEPS IMPOSED - HAVERING WELL PH</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Havering Well PH Rush Green Road Romford RM7 0QA</p> <p>DETAILS OF APPLICATION</p> <p>Application to Make Representations Against Interim Steps was made on behalf of Lloyd John Enterprises Ltd by GT Licensing Consultants. The application was received by Havering's Licensing Authority on the 13 July 2018.</p> <p>APPLICANT</p> <p>Lloyd John Enterprises Ltd The Havering Well Public House 148 Rush Green Road Romford Essex RM7 0QA</p> <p>The representations made against the decision of the Licensing Sub-Committee on the 9 July 2018 were:</p> <ol style="list-style-type: none"> 1. The premises licence holder had immediately agreed to implement the
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		<p>measures requested by PC Williams to promote the Licensing Objectives in his email dated 4 July and submitted a variation to add them to the Premises Licence.</p> <ol style="list-style-type: none"> 2. The decision taken by the Sub-Committee to ban Mr Fleming and Mrs Summerfield from the residential property at the premises which is not part of the licensed premises and of which they are the lawful tenants is lawful and unenforceable. 3. That having suspended the Premises Licence the Licence is no longer operational and that the decision to ban Mr Fleming and Ms Summerfield from the premises is not necessary to promote the Licensing Objectives, is unlawful for this reason, erroneous and unenforceable. 4. Conditions on a suspended Premises Licence are not in force and are unenforceable. 5. That proceedings have been duplicated and effectively superseded by the Order of Barkingside Magistrates Court dated 10 July. Under the Court Order Ms Summerfield and Ms Black are allowed on the premises to operate the take away food business but no licensable activity may take place. The Interim Steps Decision is in excess of that determined by the Court in that Ms Summerfield is not allowed on the premises at any time. This is disproportionate and in excess of what is required to promote the Licensing Objectives and has a serious effect on the viability of the business.

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		<p><u>Decision:</u></p> <p>The Sub-Committee considered representations made by the licence holder in respect of interim steps taken on 9th July 2018 by the licensing authority in respect of the Havering Well Public House, 148 Rush Green Road, Romford RM7 0QA.</p> <p>The steps were taken pursuant to section 53B of the Licensing Act 2003, in the context of an application by the police for a summary review of the premises licence under Section 53A, following an incident of serious violence at the premises on 3 July 2018.</p> <p>The steps taken were as follows:</p> <ul style="list-style-type: none"> (A) To suspend the licence pending the final determination of the review; and (B) To add a new condition to the premises licence excluding Maria Summerfield and Jay Fleming from the premises at all times. <p>Written representations were submitted by Graham Hopkins of GT Licensing on behalf of the licence holder.</p> <p>A witness statement from PC Daly was also received on behalf of the police, though this related principally to an application by the police to the Magistrates' Court for a closure order.</p> <p>Ms Summerfield attended on behalf of the licence holder, accompanied by Ms Black the new interim designated premises supervisor. Mr Hopkins made oral submissions on behalf of the licence holder.</p>

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		<p>No one attended or made representations on behalf of the police.</p> <p>The Sub-Committee must promote the licensing objectives and must have regard both to the Revised Guidance issued under Section 182 of the Licensing Act 2003 and to the Council's own Statement of Licensing Policy. In the present case, regard was also had to the Home Office's 'Summary Review Guidance'.</p> <p>The Sub-Committee noted that the licence holder was not seeking to lift the suspension of the licence pending the determination of the review, but only to remove the 'exclusion condition' that had been imposed on Ms Summerfield, in order to enable her to carry on a takeaway food business in the meantime.</p> <p>The Sub-Committee took the view that, given that the licence was suspended and no licensable activity could therefore take place on the premises, it was not necessary or appropriate for the promotion of the licensing objectives to seek to prohibit Ms Summerfield from conducting other lawful activities on the premises pending the final review.</p> <p>The Sub-Committee therefore decided, pursuant to section 53B(8) of the Licensing Act 2003, to withdraw interim step (B) above. The suspension of the licence however remains in force until the final determination of the review.</p> <p>Further representations against the interim steps may only be made if there has been a material change in circumstances since the authority made its determination.</p>