



Havering

LONDON BOROUGH

LICENSING SUB-COMMITTEE HAVERING WELL PH - APPLICATION AGAINST INTERIM STEPS

AGENDA

10.30 am	Tuesday 17 July 2018	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Carole Beth
Philippa Crowder (Chairman)
Natasha Summers

**For information about the meeting please contact:
Taiwo Adeoye - 01708 433079
taiwo.adeoye:@onesource.co.uk**

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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:-

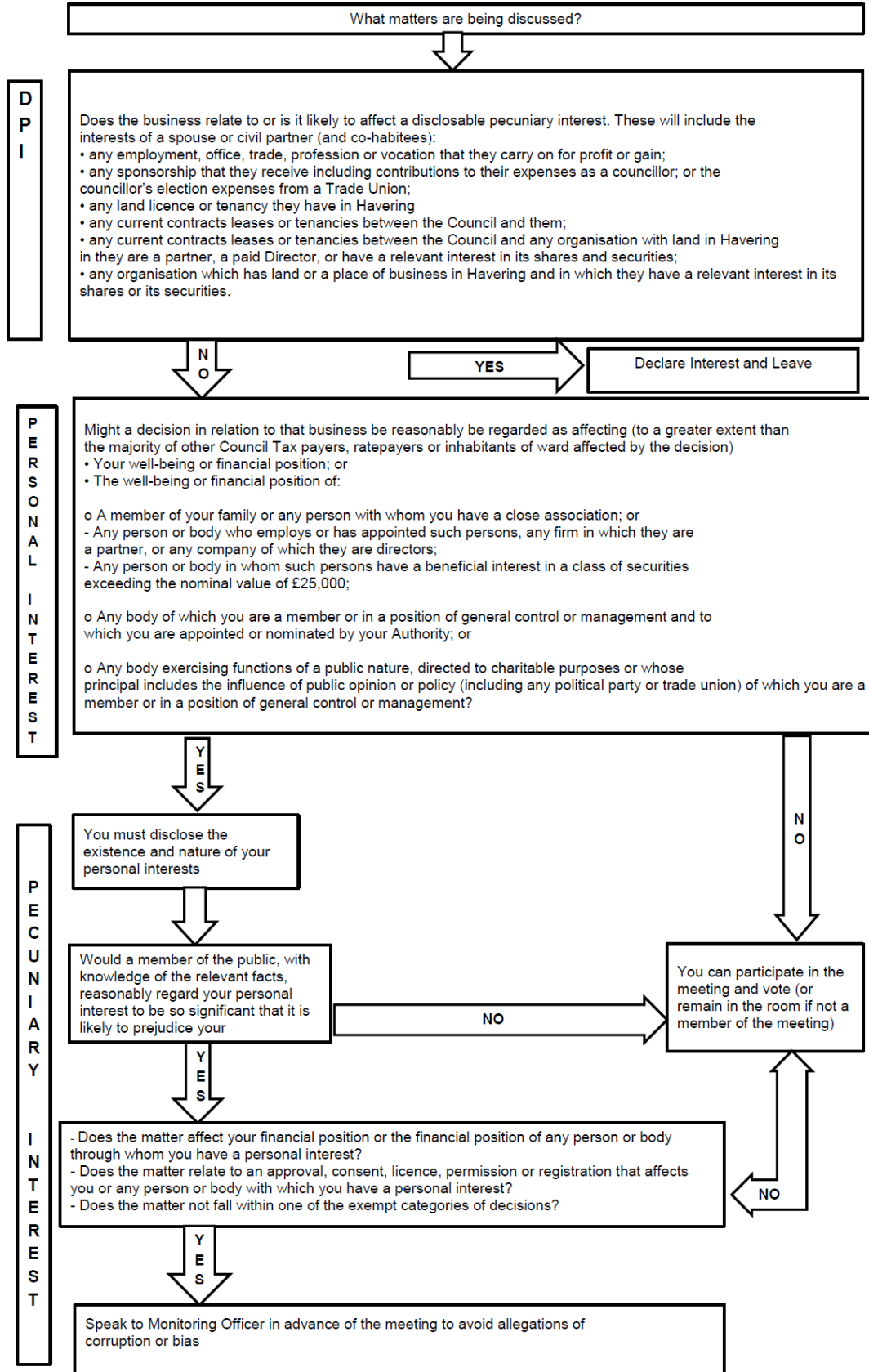
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



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 - 4)

Procedure for hearing – Licensing Act 2003

5 DECISION OF EXPEDITED HEARING (Pages 5 - 8)

Decision of hearing – 9 July 2018

6 REPRESENTATION AGAINST INTERIM STEPS IMPOSED - HAVERING WELL PH (Pages 9 - 12)

7 POLICE REPRESENTATIONS (Pages 13 - 62)

**Andrew Beesley
Head of Democratic Services**



LICENSING SUB-COMMITTEE

REPORT

Subject Heading:

Procedure for the Hearing: Under
Section 53A Expedited Premises
Licence Review – Licensing Act 2003

Report Author and contact details:

Taiwo Adeoye – 01708 433079
taiwo.adeoye@onesource.co.uk

PROCEDURE FOR THE HEARING:

This is a hearing to consider an application under section 53A; expedited premises licence review (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 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or

1.2.2 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 the application 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 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 parties present at the hearing or their representatives sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear.
- 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 Licensing Authority;
- the Chief Officer of Police;

7. Failure of parties to attend the hearing:

- 7.1 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.

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.



Havering

LONDON BOROUGH

Licensing Act 2003 Notice of Decision

PREMISES

Havering Well PH
Rush Green Road
Romford
RM7 0QA

DETAILS OF APPLICATION

Application for an expedited premises licence review was made by on behalf of the Metropolitan Police Service under section 53A of the Licensing Act 2003. The application was received by Havering's Licensing Authority at 15:56 on 5 July 2018.

APPLICANT

PC Belinda Goodwin,
On behalf of the Commissioner of the Metropolitan Police Service,
Romford Police Station,
19 Main Road, Romford.
RM1 1BJ

1. Details of existing licensable activities

Films, Indoor sporting events		
Day	Start	Finish
Monday to Thursday	10:00	23:00
Friday to Saturday	10:00	00:00
Sunday	10:00	23:00

Supply of Alcohol		
Day	Start	Finish
Monday to Thursday	10:00	23:00
Friday to Saturday	10:00	00:00
Sunday	10:00	23:00

Live Music, performance of dance		
Day	Start	Finish
Monday to Thursday	20:00	23:00
Friday to Saturday	20:00	00:00
Sunday	20.00	23.00

Late Night Refreshment		
Day	Start	Finish
Friday & Saturday	23:00	00:00

Recorded Music		
Day	Start	Finish
Monday to Thursday	10:00	00:00

Friday to Saturday	10:00	23:00
Sunday	12:00	23:00

Decision:

The Licensing Sub-Committee considered an application by the Metropolitan Police for an Expedited Summary Review under Section 53A of the Licensing Act 2003 in respect of the premises The Havering Well public house located at Rush Green Road, Romford, RM7 0QA.

The premises is a local pub which has no venues in immediate vicinity and is also visited by families. The basis of the application is that on 3 July 2018 at Havering Well Public House at approximately 2200 hours the victim entered the public house. At approximately 2310 hours the victim received a large laceration to his arm and bleeding, he walked from the pub to the forecourt of the nearby petrol station. The ambulance service were then called. All staff were spoken to and said they had not witnessed the incident. The victim informed officers 'Jay' had done this and that a blue handled knife had caused the injury. Officers at the scene identified Jay Fleming (DPS at the time) and established that he had left the scene having been driven home by his partner Maria Summerfield who then afterwards, returned to the premises. Ms Summerfield is also a director of the company who holds the premises licence. Officers conducted enquiries for CCTV at the premises only to discover the hard drive was missing and the wires were still warm as if it has been recently unplugged. Ms Summerfield was interviewed under caution and stated that the CCTV was removed two days prior to incident with water damage, and the hard drive was with a man called Steve Brown (whom the police were unable to contact despite several attempts) and denied any involvement in the assault on the victim. When questioned at the scene by Licensing Officers PC Adam Williams and PC Michael Sear, Ms Summerfield indicated that there was a fight, the victim was aggressive and asked to leave, and had no idea what had happened. Officers were unable to locate the blue handled knife however they were able to seize a USB of CCTV from the petrol station showing the victim with his injury being led by Ms Summerfield from the premises. Police have interviewed Ms Summerfield under caution in relation to concerns of perverting the course of justice by driving Mr Fleming from the scene of a crime and removing the CCTV hard drive. Mr Fleming has now been charged with section 18 GBH with intent and was remanded to appear in Court on 5 July 2018.

The Presenting Licensing Officer, confirmed the premises licence holder had submitted an application to transfer the DPS to Joanna Black on Monday 9 July 2018. PC Goodwin indicated that Joanna Black was questioned by the Police as she was present at the premises on the date of the incident however Ms Joanna Black did not say anything on camera. The Sub-Committee heard oral submissions from PC Belinda Goodwin in support of the application, Police photographs were shown of the victim's injuries, PC Goodwin confirmed that the Police were unable to contact the CCTV engineer Steve Brown, and since Mr Fleming was charged he was remanded on conditional bail which included residing at an address in Lincoln and being excluded from entering the Borough of Havering.

The Licensing Sub-Committee carefully considered the application for the Expedited Review, the Computer Aided Dispatch report of the incident, photographs from the Police of the victim's injuries and a copy of the existing premises licence (which now indicated the new DPS as Joanna Black) and the oral submissions from the Police. In reaching their decision, the Sub-Committee had regard to the relevant Home Office 'Summary Review Guidance on Section 53A-C of the Licensing Act 2003'.

The Licensing Sub-Committee are of the view there is no alternative but to;

- A) Suspend the premises licence.
- B) Add a new condition to the premises licence 'Maria Summerfield and Jay Fleming are excluded from the premises at all times'.

The reasons are as follows;

- The incident was of a serious nature in view of the severity of the injuries caused to the victim which led to Mr Fleming being charged with the criminal offence of Section 18 GBH with intent.
- The Sub-Committee have grave concerns of the circumstances of the incident such as the removal of the CCTV evidence at the premises by Maria Summerfield, the timing of which is suspicious, driving Mr Fleming away from the scene of a crime in her car (both actions which may amount to a separate criminal offence), the Police being unable to locate the knife at the premises, and Ms Summerfield's denial of the knowing what happened despite the Police confirming CCTV at the petrol station showing her leading the victim with the injury away from the premises, (with the Police also administering first aid due to blood loss).
- The Sub-Committee do not have any faith or confidence that the premises will continue to operate responsibly within the law. Although the premises licence holder has submitted an application to change DPS to Joanna Black on 9 July 2018, concerns remain she was present at the premises on the date of incident. There are no effective management and measures already in place which is reflected by the clear breach of licence conditions for CCTV, the ambulance service directly calling the police to the scene, and at present, the CCTV hard drive for the premises is still not retrieved despite attempts to do so by the Police.
- Overall there has been a clear disregard of the licensing objectives such as the prevention of crime and disorder and protection of public safety.
- Since Mr Fleming and Ms Summerfield remain as tenants of the premises, in view of their recent conduct as set out above, their exclusion from the premises will act as an additional safeguard from any further incidents and allow the effective continuation of the ongoing police investigation.
- The Sub-Committee do not believe other interim steps such as further modifications of the conditions of the licence and / or exclusion of sale of alcohol would be effective in this instance.

In conclusion, for the reasons set out above, this decision is proportionate and reasonable to promote the licensing objectives of the prevention of crime and disorder, protection of children from harm and the protection of public safety.

3. Right of Appeal

The premises licence holder may make representations within 48 hours, against the interim step to suspend the premises licence.

Taiwo Adeoye
Clerk to the Licensing Sub-Committee

Agenda Item 6

GT Licensing Consultants,
55 Codenham Green,
Basildon,
Essex.
SS16 5DT
Tel 07810 826778
em: gtlicensingconsultants@googlemail.com
13/07/18

Mr P Jones,
Licensing Officer,
London Borough of Havering,
Licensing Section,
Mercury House,
Mercury Gardens,
Romford,
Essex,
RM1 3SL

Dear Mr Jones,

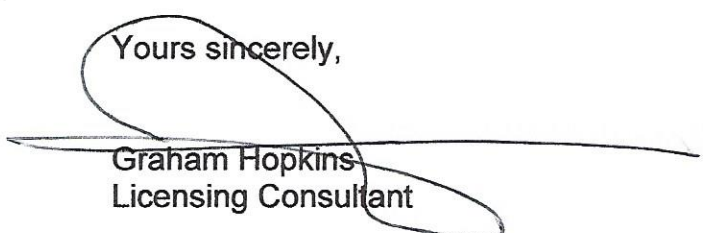
Application to Make Representations Against Interim Steps //
Lloyd John Enterprises Ltd t/a The Havering Well PH, 148 Rush Green
Road, Romford, Essex, RM7 0QA

We are the duly authorised Licensing Consultants acting for Lloyd John Enterprises Ltd the premises licence holders for The Havering Well Public House. Ms Maria Summerfield is a Director of the Company.

Our client wishes to make application to the London Borough of Havering Licensing Authority to make Representations in respect of the Interim Steps imposed by the Licensing Sub Committee on 9th July 2018 following the application for an Expedited Review made by the Metropolitan Police Service.

Due to the fact that a criminal case is pending we request that the Hearing is held in private with the Press and Public excluded to ensure that a future trial is not prejudiced. Further in line with the rules of natural justice we request that this application is heard by a differently constituted Sub Committee from that which heard the initial Hearing.

Yours sincerely,


Graham Hopkins
Licensing Consultant

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GT Licensing Consultants,
55 Codenham Green,
Basildon,
Essex.
SS16 5DT
Tel 07810 826778
em: gtlicensingconsultants@googlemail.com
13/07/18

Mr P Jones,
Licensing Officer,
London Borough of Havering,
Licensing Section,
Mercury House,
Mercury Gardens,
Romford,
Essex,
RM1 3SL

Dear Mr Jones,

Application to Make Representations Against Interim Steps //
Lloyd John Enterprises Ltd t/a The Havering Well PH, 148 Rush Green
Road, Romford, Essex, RM7 0QA

Our client makes representations against the Interim Steps Decision under all four Licensing Objectives which we believe are engaged.

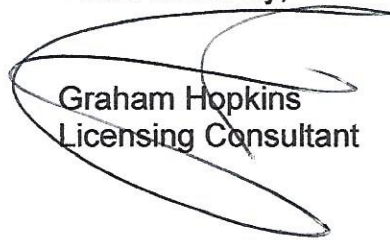
Specifically:

- 1) The premises licence holder had immediately agreed to implement the measures requested by PC Williams to promote the Licensing Objectives in his email dated 4th July and submitted a variation to add them to the Premises Licence;
- 2) The decision taken by the Sub Committee to ban Mr Fleming & Ms 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 unlawful 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 10th July. Under the Court Order Ms Summerfield & 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.

Yours sincerely,



Graham Hopkins
Licensing Consultant

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

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