

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
1 August 2018 (10.30 - 11.55 am)**

Present:

COUNCILLORS

Conservative Group Philippa Crowder (Chairman) and Bob Perry

Residents' Group Sally Miller

Present at the hearing were PC Belinda Goodwin and PC Mick Sear, Metropolitan Police; Mr James Rankin, Legal Advisor to the Metropolitan Police; Havering Licensing Officer Paul Jones; Mr Graham Hopkins, representing Havering Well Public House; Ms Joanna Black and Ms Maria Summerfield, Havering Well Public House; and Ms Emma Thwaites, Ei Group Plc.

Councillor Melvin Wallace and a member of the Press also attended.

Also present were the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

There were no apologies for absence received.

1 APPLICATION FOR A FULL REVIEW/CLOSURE ORDER - HAVERING WELL PH

Premises

Havering Well Public House
Rush Green Road
Romford
RM7 0QA

Details

The Havering Well Public House was located at the junction of Rush Green Road and Dagenham Road. The immediate vicinity is mixed commercial and residential properties.

A s.53A application for an expedited review was submitted on the 5 July 2018 by PC Goodwin on behalf of the Metropolitan Police. The application was certified by a Chief Superintendent. The expedited review application

was prompted by an incident which occurred at the premises on the 3 July 2018 at which the Police were in attendance.

An appropriately worded public notice advertising the application was placed at the premises on the 6 July 2018, at Havering Town Hall's public notice board and on Havering's website.

On the 4 July 2018, the day before the s.53A expedited review application was submitted, the premises licence holder submitted an application to vary the premises licence under the provisions of s.34 of the Act. This application was to add a series of Police approved conditions to the licence.

On the 9 July 2018, the Licensing Authority received an application to replace the current Designated Premises Supervisor further to Police input. The Designated Premises Supervisor to be replaced was the individual alleged to have carried out the incident which prompted the s.53A review application.

In response to the s.53A expedited review application's submission an interim hearing was heard on the 9 July 2018. Subsequent to Police representation the Licensing Sub-Committee chose to add a condition to the licence excluding two named individuals from the premises and then to suspend the licence.

On the 10 July 2018, the Metropolitan Police obtained a Closure Order from Barkingside Magistrate's Court under the provisions of s.80 of the Anti-Social Behaviour, Crime & Policing Act 2014. This Closure Order indicated that one of the aforementioned named individuals Havering had excluded from the premises may attend the premises. The Licensing Authority's receipt for the Closure order initiated a second review hearing under the provisions of s. 167 of the Act which commenced on the 11 July 2018.

The premises licence holder made representation to the Licensing Authority against Havering's Licensing Sub-Committee's interim decision at a second interim hearing held on the 17 July 2018. The outcome of the second interim hearing was that the condition added to the licence further to the named individuals was withdrawn.

1. Details of Representations

There was one representation made in support of this application made by the premises' freeholder.

There were no representations in support of or against the application made by any responsible authority.

2. Determination of Application

The Licensing Sub-Committee had regard to s.14 of the Licensing Act 2003 and also noted the Access to Information Procedure Rules in Part

4 of the London Borough of Havering Constitution regarding exempt information.

In particular, the Sub-Committee was mindful of the possibility of a criminal trial being held regarding the incident at the premises on the 3 July 2018.

The Sub-Committee was concerned that there should be no prejudice to the holding of a fair trial and therefore, in accordance with s.14(2) of the Licensing Act 2003, the Sub-Committee decided to exclude the public including the press from the hearing as it considered that the public interest in so doing outweighed the public interest in the hearing taking place in public.

Mr Paul Jones, Havering Licensing Officer attended the hearing, during which he presented his report.

Mr James Rankin, Legal Advisor, PC Goodwin and PC Sear, attended and gave evidence on behalf of the Metropolitan Police.

Mr Graham Hopkins addressed the Sub-Committee on behalf of Ms Joanna Black and Ms Maria Summerfield.

3. Full Review Decision

Revocation of the Premises Licence.

4. Interim Steps

Decision

The following Interims Step is in place:

- Suspension of the licence.

The Sub-Committee reviewed the above interim step and decided that it should remain in place.

Reasons

The Sub-Committee, in making its decision considered s.53(D)(5) of the Licensing Act 2003, the case of 93 Feet East Limited v London Borough of Tower Hamlets [2013]EWHC 2716 (Admin) and the guidance at paragraph 12.29 of s.182 of the Licensing Act 2003.

The Sub-Committee was concerned that there should be control of the premises pending any appeal and considered that the continuation of the interim step was an appropriate and proportionate safeguard.

Chairman