



LICENSING SUB-COMMITTEE

REPORT

1 August 2018

Subject heading:

Havering Well
148 Rush Green Road Romford
RM7 0QA
s.53A expedited premises licence
review

Report author and contact details:

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An application for an expedited premises licence review was made by PC Goodwin on the behalf of the Metropolitan Police under s.53A of the Licensing Act 2003 (*the Act*) on 5th July 2018. Subsequently PC Daly obtained a Closure Order against the premises from Barkingside Magistrates' Court. A copy of this order was received by Havering's Licensing Authority on 11th July 2018. Receipt of the Closure Order initiated a second review under the provisions of s.167 of the Act.

Geographical description of the area

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

Comments and observations on the application

A s.53A application for an expedited review was submitted on 5th July 2018 by PC Goodwin on the 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 3rd July 2018 at which the Police were in attendance.

S.53A(3)(c) of the Act requires the Licensing Authority to advertise the review, inviting representations to be made by responsible authorities or any other person. An appropriately worded public notice advertising this application was placed at the premises on 6th July 2018, at Havering Town Hall's public notice board and on Havering's website.

On 4th 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 s.34 application was to add a series of Police-

approved conditions to the licence. This application is ongoing and its consultation period will end on 1st August 2018.

On 9th July 2018 the Licensing Authority received an application to replace the current DPS further to Police input. The DPS 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 9th 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 utilising its s.53B(3) powers.

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

The premises licence holder made representation to the Licensing Authority against Havering's licensing sub-committee's s.53B(3) interim decision at a second interim hearing held on 17th July 2018. The outcome of this second interim hearing was that the condition added to the licence further to the named individuals was withdrawn.

The sequence of events may therefore be summarised thus:

3 rd July	a serious incident occurs at the premises
4 th July	s.34 major variation application submitted by premises licence holder
5 th July	s.53A expedited review application submitted by Police
9 th July	s.37 DPS variation submitted by premises licence holder s.53A interim hearing takes place imposing two interim steps: <ul style="list-style-type: none">• a condition is added excluding two named individuals from the premises• the premises licence is suspended
10 th July	the Police obtain a Closure Order against the premises from Barkingside Magistrates' Court
11 th July	the Licensing Authority receives a copy of the Closure Order, thus initiating a s.167 review
17 th July	a second s.53A interim hearing takes place at which the condition excluding individuals from the premises is removed

S.53C(2) of the Act dictates that the Licensing Authority is required to:

- (a) hold a hearing to consider the application for the review and any relevant representations;
- (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
- (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).

S.53C(3) defines those steps as:

- (a) the modification of the conditions of the premises licence,
- (b) the exclusion of a licensable activity from the scope of the licence,
- (c) the removal of the designated premises supervisor from the licence,
- (d) the suspension of the licence for a period not exceeding three months, or
- (e) the revocation of the licence.

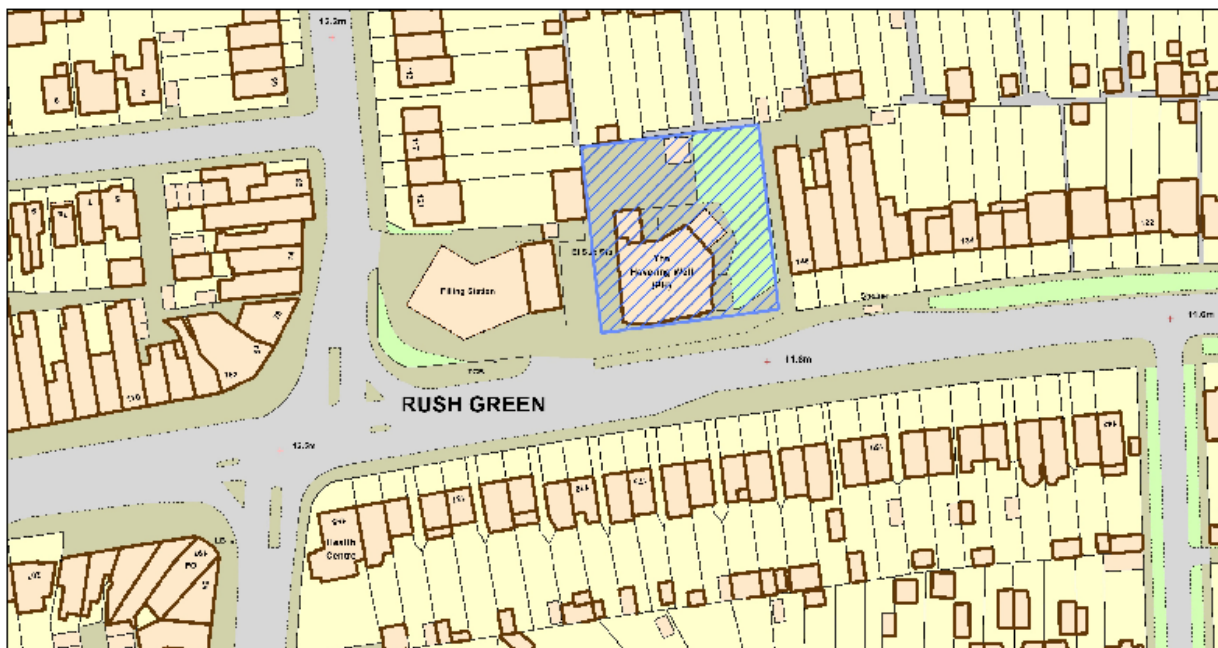
The steps detailed above further to s.53C(3) are also those identified further to determining a s.167 review under s.167(6).

Today's hearing therefore is to determine the outcome of the s.53A expedited review application and the s.167 Closure Order review application in line with the Licensing Authority's duties under s.53C(2) and s.167(5).

Summary

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

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



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		Scale: 1:1000 Date: 12 July 2018 Size: A4
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