



**Havering**  
LONDON BOROUGH

Licensing Officer's Report



# LICENSING SUB-COMMITTEE

# REPORT

2 September 2013

Subject heading:

Vertigo Lounge  
DPS variation application

Report author and contact details:

Paul Jones, Licensing Officer  
5<sup>th</sup> floor Mercury House, x 2692

This application to vary a premises licence to specify an individual as the designated premises supervisor is made by the premises licence holder Mr Darren Eva under s.37 of the Licensing Act 2003 (*the Act*). The application was received by Havering's Licensing Authority on 29<sup>th</sup> July 2013.

## Details of the application

An incomplete version of this application was submitted to the Licensing Authority on 25<sup>th</sup> July 2013. The remaining documentation arrived on 29<sup>th</sup> July 2013. The application was therefore made in accordance with s.37 from this date. Under the provisions of s.38 the application was given an immediate and interim effect upon its successful submission until such time that the matter is determined.

If the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention licensing objective he must give a notice to the Licensing Authority stating the reasons why he is so satisfied within 14 days of the application having been made. Where such a notice is given the application must be determined under the provisions of s.39.

## Police objection notice

PC Jason Rose, Havering Borough Police Licensing Officer, submitted an objection notice against this application on behalf of the Chief Officer of the Metropolitan Police in accordance with s.37(5) & (6) of the Act on 7<sup>th</sup> August 2013. The objection notice is based upon the Police satisfaction that granting authority to the intended DPS would undermine the crime prevention licensing objective. PC Rose's objection notice expands upon his concerns in relation to the application.

Paul Jones  
Licensing Officer  
London Borough of Havering



**Havering**  
LONDON BOROUGH

Copy of Application



RECEIVED  
25 JUL 2013

## Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

### 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 this 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. You may wish to keep a copy of the completed form for your records.

I/We

[full name(s) of premises licence holder]

DARREN EVA

being the premises licence holder, apply to vary) a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

009762

### Part 1 – Premises details

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

17-19 STATION LANE

Post town

HORNCHURCH

Post code

RM12 6JL

Telephone number (if any)

01708 474183

Description of premises (please read Guidance Note 1)

BAR AND RESTAURANT.

**Part 2**

Full name of proposed designated premises supervisor

EMMA LEANNE JOYCE

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

BAS PM3406

Full name of existing designated premises supervisor (if any)

STEVEN JAMES STALLION

Please tick  yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

**CHECKLIST**

Please tick  yes

I have made or enclosed payment of the fee

I will give a copy of this application to the chief officer of police

I have enclosed the consent form completed by the proposed premises supervisor

I have enclosed the premises licence, or the relevant part of it or explanation

I will give a copy of this form to the existing premises supervisor, if any

I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read Guidance Note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See Guidance Note 3) **If signing on behalf of the applicant please state in what capacity.**

Signature  ..... Date 24/7/2013 .....

Capacity PREMISES LICENCE HOLDER .....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read Guidance Note 4) **If signing on behalf of the applicant please state in what capacity.**  
Signature

Signature ..... Date .....

Capacity .....

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read Guidance Note 5)	
EMMA JOYCE 17-19 STATION LANE 4	
Post town <u>HORNCHURCH</u>	Post code <u>RM12 6JL</u>
Telephone number (if any) <u>07708 47483</u>	
If you would prefer us to correspond with you by e mail your e mail address (optional) <u>emma@vertigo lounge.co.uk</u>	

**Guidance Notes**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.



## Consent of Individual to being specified as premises supervisor

I EMMA LEEANNE JOYCE  
[full name of prospective premises supervisor]

of

12 MORELAND ROAD  
WICKFORD  
ESSEX SS11 7JU.

.....  
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premise supervisor in relation to the application for

VARIATION OF DPS  
[type of application]

by

DARREN EVA  
[name of application]

relating to a premises licence 009762  
[number of existing licence]

for

VERTIGO LOUNGE  
17-19 STATION CAFE  
HORNCROFT  
ESSEX RM12 6JL

.....  
[name and address of premises to which the application relates]

And any premises licence to be granted or varied in respect of this application made by

DARREN ZVA

[name of applicant]

concerning the supply of alcohol at

VERTIGO LOUNGE  
17-19 STATION LANE  
HORNCHEWELL  
ESSEX RM12 6JL

[name and address of premises to which the application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which are set out below

Personal licence number

BAS PM3406

[personal licence number, if any]

Personal licence issuing authority

BASILDON

[insert name and address and telephone number of the personal licence issuing authority, if any]

Signed



Name [please print]

EMMA JOYCE

Date

24-7-13





**Havering**  
LONDON BOROUGH

Valid Representations



**METROPOLITAN  
POLICE**

**Working together for a safer London**

Licensing Authority  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford  
RM1 3SL

**PC 282 KD Jason ROSE**

**Romford Police Station**

19 Main Road

Romford,

Essex

RM1 3BJ

**Telephone:** 01708 432781

**Email:**

**Jason.Rose@met.pnn.police.uk**

**Date: 7th AUGUST 2013**

**Ref: - Objection to Change of DPS – Ms Emma Leanne JOYCE**

The Metropolitan Police wish to submit an objection notice against the application for a change of Designated Premises Supervisor (DPS) at VERTIGO, 17-19 STATION LANE, HORNCHURCH, RM12 6JL. This is in accordance with the guidelines set out in the Licensing Act 2003. Police are satisfied that granting authority for Emma JOYCE to act as DPS would undermine the crime prevention objective.

The applicant is currently a holder of a personal licence issued by Basildon Council on 10/11/2010. During this application process Ms JOYCE declared convictions to the local authority. Ms JOYCE received a custodial sentence of 5 years imprisonment at ISLEWORTH CROWN COURT on 2nd September 2005. This conviction relates to knowingly being concerned in the evasion of a prohibition or restriction on the import of a Class A drug, namely Cocaine. Although this conviction was nearly 8 yrs ago, under the Rehabilitation of Offenders Act 1974 this conviction can not be classified as spent due to the length of the custodial sentence (Over 30 months)

Importation of cocaine is an offence under sec 170 (2) Custom and Excise management Act 1979, and is therefore a relevant offence as described in Schedule 4 Licensing Act 2003.

The circumstances leading to this conviction are straightforward. The applicant arrived at HEATHROW AIRPORT, Terminal 3 on the 30th March 2005. This flight had arrived on UK shores from St. Lucia via Port of Spain. During a search of a suitcase, officials found cocaine solution inside two factory sealed wine bottles within the case.

This application is to enable Ms JOYCE to perform a role of responsibility and trust within the licensed premise industry. The industry is an environment by its very nature that has illegal substances present through out. The applicant is not only working in an environment where drugs may be consumed and potentially sold but is requesting to be placed in a position of responsibility, a position that must enforce and promote the licensing objectives. Police question whether Ms Joyce's background will not hinder her in resisting temptation.

The conviction detailed above is the applicant's only criminal conviction; however it is a very serious one. Police and law enforcement teams across the U.K spend considerable time and money combating the unlawful possession, supplying and importation of controlled substances.

Many pubs and bars have drug related issues which are in turn linked to other crime. A DPS is required to uphold the law and indeed have a zero tolerance to drugs; they are responsible for their staff and customers alike. Police would therefore argue that granting authority for this change of DPS would have a detrimental impact on the crime prevention objective. If the applicant is not of a suitable nature to enforce robust zero tolerance policies at licensed premises, crime will continue to grow. Such an environment may offer temptation to the applicant fall into a drug culture once more. Police are not convinced or satisfied that Ms JOYCE would complete her duties within the law and that temptation being present on a daily basis may prove too hard. Ms JOYCE served only three years of a 5 years sentence; police believe this is too short a period for the applicant to prove no cause for concern.

My colleague, Pc FERN visited the premises (VERTIGO) on 26th JANUARY 2012 and conducted a sample swipe test for drugs inside the premises. The toilet area was tested and the then DPS was present. The results of the test showed traces of cocaine in a female toilet cubicle on the first floor. This is clear evidence of drug use at the premises which reinforces police concerns under the prevention of crime and disorder. With the incorrect DPS in place, offences may rise having a negative impact on the licensing objectives.

I have a duty to protect the public from crime and disorder under the Act and to ensure subjects who hold such responsibility in their role of DPS are able to implement measures to prevent crime at such venues. Police recognise that the risk of drug use at licensed premises is high. The applicant was convicted of a serious related class A importation offence. Given these concerns I must strongly oppose this application at this time.

Licensed premises in general create crime on a minor scale and also organised. It is for this reason we need to eliminate the risk to the public by having responsible people running such venues. I cannot support this application at this time as I believe that the applicant is not yet suitably rehabilitated to be granted such a responsible role within a licensed premise.

**If the applicant insists for this application to be considered I will seek a Licensing Committee Hearing to determine the outcome.**

If I can be of any further assistance in this matter please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Pc Jason ROSE'. The signature is written in a cursive, flowing style.

PC Jason ROSE 282KD  
Metropolitan Police - Havering  
Licensing Officer