

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
6 March 2007 (10.35am – 1.35pm)**

Present:

COUNCILLORS:

Conservative

Edward Cahill (Chairman)
Melvin Wallace

Labour Group

Tom Binding

**REVIEW OF A PREMISES LICENCE IN RESPECT OF THE BRIDGE
HOUSE, 167 UPMINSTER ROAD, UPMINSTER RM14 2RB**

Mr K Baumber (representing the licence holder), Mr D Williamson (designated premises supervisor at the venue), Mr W Shand Uniserve Security Ltd, Ray Holmes and Mr B Thomas represented the licensee. Also present were Inspector Andy Conway, Dave Leonard, Donal Nolan and two officers of the Metropolitan Police. Members of the press, the LB Havering Licensing Officer, the Legal Advisor to the Panel and the clerk to the Panel were also in attendance.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

The Sub-Committee held a preliminary hearing as the representative of the premises submitted a statement of position and request for clarification for the benefit of the Sub Committee.

Mr Baumber reminded the Sub-Committee that a Review of this licence had been heard on 21 December 2006 at the request of the Police citing two issues:

- i) CCTV
- ii) Door supervision

Various conditions were imposed as a result of the Review. The premises licence holder did not lodge an appeal against the Sub Committee's decision.

The application for the present Review was made on 15 January 2007. It was submitted that the present Review was, at least, in part based upon a misunderstanding of the law, was made prematurely, and was repetitious.

Inspector Conway responded that the Police agreed that there had been no breach of licence. The review was in line with the four objectives of the Licensing Act and the main basis of the review was the on-going failure of the Licence holder to comply with the original conditions, repeated on a number of occasions. These breaches had occurred within the statutory 21 day period of right of appeal, which did not bode well for the future.

The Legal Adviser to the Sub-Committee advised the Committee that in her opinion that the hearing should not take place as in her opinion the application was misconceived as it was based on a breach of conditions which were not in force at the relevant time.

The Sub Committee decided nonetheless to hear the Review as public safety was paramount and it appeared that two of the Licensing Act objectives may have been breached, thus justifying examination of the circumstances through a formal Review.

The Sub-Committee adjourned at the end of the hearing to consider its decision, and reconvened to announce it.

The Sub-Committee considered an application for a review of the licence for the above premises as follows.

DETAILS OF APPLICATION

Application by Metropolitan Police for a review under section 51 of the Licensing Act 2003 (“the Act”) for the premises referred to above.

APPLICANT

Commissioner of Police for the Metropolis
Acting by Inspector Andy Conway
Havering Borough Police
Romford Police Station
19 Main Road
Romford
Essex RM1 3BJ

1. Details of existing licensable activities

The current hours applied for, subject to the grant of licence, are for the following licensable activities:

Supply of Alcohol

Sunday - Thursday	1000 - 2300
Friday - Saturday	1000 – 0000

Regulated Entertainment (Films, live music, recorded music)

Monday-Sunday	1100 - 2300
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Anything of a similar description to that falling within the previous two categories

Monday-Sunday 1100 - 2300

Provision of Entertainment Facilities (dancing)

Monday-Sunday 1100 - 2300

Light Night Refreshment

Friday 2300 - 0000

Saturday 2300 - 0000

Non-Standard Timings

Good Friday 12:00 – 2230

Christmas Day 12:00 – 1500 and 1900 – 22:30

New Year's Eve(Except on a Sunday) 10:00 – 23:00

New Year's Eve (Sunday) 12:00 – 22.30

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December)

In addition to the use of Temporary Event Notices allowed under the Licensing Act 2003, the premises may open on 12 non-standard occasions, in line with the Association of Chief Police Officers guidelines; subject to a minimum of 10 working days' notice being given to the licensing authority and the Police on each occasion and the prior written consent of the police being obtained.

2. Grounds for review

The grounds for review of the licence are as follows:

Prevention of Crime and Disorder
Public Safety

3. Promotion of the Licensing Objectives

The review was requested in order to promote the licensing objectives as shown above.

Details of Representations

Chief Officer of Metropolitan Police (“the Police”) - Yes

Inspector Andy Conway of the Metropolitan Police Service had applied on behalf of the Metropolitan Police Service as a Responsible Authority for a Review of the Premises Licence. Inspector Conway is the Licensing Inspector for Havering Borough Police.

This request for a Review followed a violent incident at the Bridge House on 24 December 2006 when there were no Door Supervisors at the pub. A further Police visit was made on 5 January 2007 and there were further issues with the Door Supervisors on duty leading to the arrest of one of them for a licensing offence. Police found that a Premises Daily Register had not been set up and that there were still ongoing problems with the CCTV system which still did not meet Police standards.

Inspector Conway provided full details in his request for a review together with supporting evidence relating to the CCTV from PC Nolan of Havering Crime Prevention Office.

Inspector Conway had submitted additional evidence in support of the Police application. There are currently two cases before the Magistrates Court relating to criminal matters arising from Police operations regarding the Door Supervisors. These are sub judice and the relevant evidence would not be disclosed in public. This evidence has been served on Greene King Brewing & Retailing Ltd.

London Fire & Emergency Planning Authority (“LFEPA”) – None

Health & Safety Enforcing Authority - None

Planning Control & Enforcement - None

Public Health - None

Children & Families Service - None

Trading Standards Service - None

The Magistrates Court - None

In summary, having regard to the following objectives the representations relate to the following issues:

The prevention of Crime and Disorder

Public Safety

The protection of Children from Harm

5. Determination of Application

Consequent upon the hearing held on 6 March 2007, the Sub-Committee's decision regarding the review of a premises license for the Bridge House was as set out below, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition the Sub Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Decision

Agreed Facts	
Facts/Issues	
Issue 1	On the 21 December 2006, a review of the premise was heard by the Licensing Sub Committee. The application was unchallenged by Greene King and the agreed facts/issues highlighted the CCCTV system was not fit for purpose Evidence that the CCTV system at the venue is not fit for purpose and has failed to identify suspects for offences that occurred at the venue, including drugs offences, which could undermine the prevention of crime and disorder objective.
Issue 2	Evidence that inadequate processes were in place to prevent a door supervisor who had been refused a SIA licence, to fraudulently obtain work at the premises, in breach of condition 5 of the licence, which would undermine the prevention of public safety objective. On 24 December 2006, there was no door supervision employed despite the premises having applied for a Temporary Event Notice (TEN) knowing it was going to be a bus night. The Police had made representation against the TEN but following assurances regarding public safety and door supervision, the Police in the season of goodwill withdrew their representation. That evening a female was attacked with a glass in the toilets.

<p>Issue 3</p>	<p>On 5 January 2007, whilst conducting routine uniform licensing visits, the Police discovered that both doormen working on the front door of the premises were not wearing the SIA badges overtly and not wearing high-visibility jackets. Further checks revealed that one of the men was not in possession of a SIA door supervisors licence at all. He was arrested when it became clear that he was not the person whose SIA badge details he had verbally supplied to the DPS. This man was not a licensed door supervisor, produced no badge and yet was allowed to work on the door. The DPS, Mr Williamson was not working in the bar at the time and was upstairs in the living quarters with his family. He produced a door supervisor register with a badge number entered that could clearly not have been checked as there was no badge to examine. The Police asked to see the premises daily register. Mr Williamson had not even initiated a register despite being present when the conditions were imposed at the review hearing and being provided with best practice information directly afterwards.</p> <p>The Police stated that these breaches had occurred within the statutory 21 day period of right of appeal and this does not bode well for the future.</p> <p>During a sustained period over the festive period it appears that little had been done by Greene King to address the promotion of the four licensing objectives. It is the police contention that with public safety being of paramount importance and genuine concern, the premises cannot currently or confidently address these objectives and revocation or suspension of the premises licence until these concerns have been satisfactorily addressed should merit serious consideration.</p> <p>The Police had been in regular contact with Greene King, who are also currently experiencing managerial problems elsewhere in Havering. They are now understandably taking steps to address these licensing objectives and so allay police concerns. The Police requested that the Sub Committee may see it fit to impose further conditions. However having only just reviewed the licence and imposed a number of appropriate conditions, the police suggested that there are unlikely to be any further clauses that may be added to improve this situation. It was for this reason that the Police had not taken this latest default to the Magistrates Court</p>
<p>Response of the Licence Holder</p>	<p>The representative for the licensee addressed the Sub Committee and stated that a review of this licence was heard on 21 December 2006 by this applicant citing two issues.</p> <ol style="list-style-type: none"> 1. CCTV 2. Door Supervision

	<p>He added that various conditions were imposed and the premises did not lodge an appeal against the Sub Committee's decision. This application for the present review was made on 15 January 2007. He stated that in law that the present review is at least in part based upon a misunderstanding of the law, was made prematurely and is repetitious.</p> <p>It was also stated that review conditions do not have immediate effect. Where, as here, conditions are imposed upon a licence at a review they do not have immediate effect. By reference to section 52 (11) Licensing Act, in relation to determination of a review application.</p>
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Decision

The Sub-Committee found that on the basis of the evidence submitted and the oral evidence heard, the application for a review of the premises licence had been brought prematurely.

This was because the incidents being relied upon had occurred within the 21 day period of the initial review application hearing which was held on 21 December 2006 when the conditions which had been imposed on the licence (and which would have addressed the problems such as the incidents being relied upon) had yet to take effect. The review application was therefore dismissed.

6. Appeal

Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the licence review may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may:

1. dismiss the appeal; or
2. substitute the decision for another decision which could have been made by the Sub Committee; or
3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and
4. make an order for costs as it sees fit.

Date: Chairman