



Havering

LONDON BOROUGH

LICENSING SUB-COMMITTEE (Saxon Horn) AGENDA

10.30 am	Monday 7 March 2011	Havering Town Hall Main Road, Romford
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Members 3: Quorum: 2

COUNCILLORS:

Conservative Group (2)

Residents' Group (1)

Peter Gardner (Chairman)
Linda Trew

Linda Van den Hende

**For information about the meeting please contact:
Richard Cursons (01708) 432430
e-mail: richard.cursons@havering.gov.uk**

AGENDA ITEMS

- 1 **APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**
(if any) - receive.

- 2 **DECLARATION OF INTERESTS**

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

- 3 **CHAIRMAN'S ANNOUNCEMENTS**

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.

**APPLICATION FOR A TEMPORARY EVENT NOTICE – Saxon Horn Public House,
Upminster Road North, Rainham, RM13 9RY- documentation attached**

- 4 **REPORT OF CLERK**

- 5 **REPORT OF LICENSING OFFICER**

**Philip Heady
Democratic Services Manager**



LICENSING SUB-COMMITTEE

REPORT

7 March 2011

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

Richard Cursons (01708) 432430
e-mail: richard.cursons@havering.gov.uk

PROCEDURE FOR THE HEARING: LICENSING ACT 2003 (TEMPORARY EVENT NOTICE)

This is a hearing to consider an application for a temporary events notice under section 100 of the Licensing Act 2003. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration.

Members are advised that, when considering an application, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Licensing Sub Committee, 7 March 2011

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. 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 members of the Licensing Committee will be excluded from hearing an application where he or she:
 - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
 - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
 - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
 - 1.2.4 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. Representation validation meeting:

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.
- 3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

4. Location and facilities:

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.

- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

5. Notification of attendance:

- 5.1 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.

6. Procedural matters:

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications 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.
- 6.2 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 Licensing officer 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 at least 7 clear working days 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 each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- 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 Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

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

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. Adjournments and extension of time:

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Applications for conversion of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being granted;
 - Applications for variation of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being rejected;
 - Applications for conversion of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being granted;
 - Applications for variation of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being rejected;
 - Applications made by holders of justices' licences for personal licences must be determined within 3 months of the application first being

received. In default of a decision not being made within this period the application will be treated as being granted;

- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

9. Sub-Committee's determination of the hearing:

- 9.1 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.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 9.3 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.

10. Power to exclude people from hearing:

- 10.1 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.

11. Recording of proceedings:

- 11.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

12. Power to vary procedure:

- 12.1 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.

Licensing Sub-Committee

- Section 1 - Licensing Officers Report
- Appendix 1 - Copy of the Application
- Appendix 2 - Map of local area
- Appendix 3 - Representations from Responsible Authorities

Licensing Sub-Committee

Section 1 - Licensing Officers Report



**LICENSING
SUB-COMMITTEE**

REPORT

7 March 2011

Subject Heading:

Temporary Event Notice application for
10th March 2011. At Saxon Horn
Upminster Road South Rainham RM13
9RY. Made by Mr Leroy Lees

Report Author and contact details:

Paul Campbell – Licensing Officer
01708 432777
licensing@havering.gov.uk

This application for a Temporary Event Notice is made by Mr Leroy Lees under section 100 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 22nd February 2011.

Geographical description of the area and description of the building

The premises is located on the south side of Upminster Road South at the junction with Lambs Lane North. It is a two story detached building the ground floor is a public house with a premise licence under the Licensing Act 2003 for Films, Live Music, Recorded Music and Supply of Alcohol and living accommodation above. A copy of the premises licence is attached to assist the committee.

Almost all of the surrounding premises are residential properties.

The premises is not within easy walking distance of a train station and the bus service late at night is limited.

A map of the area is attached to assist the committee.

Details of the application

The Temporary Event Notice application is for the use of the whole premises for

- the sale of alcohol,
- the provision of regulated entertainment
- and the provision of late night refreshment

on

Thursday 10th March 2011 from 19:00hrs to 02:00 the following day,
for a total of 140 people (including staff)

Comments and observations on the application

The applicant applied for the Temporary Event Notice electronically and was received by the Licensing Authority on 22nd February 2011 who informed the Metropolitan Police of the application. Under current regulations police can object to a Temporary Event Notice on the grounds of Crime and Disorder within two working days. The police licensing officer PC Dave Leonard lodged his representation with the Licensing Authority the same day 22nd February 2011.

Summary

Although the Sub-Committee are dealing with a request for a Temporary Event Notice a great part of the police representation relates to the poor running of the premises in the past which resulted in a review of the premises licence on 30th September 2010. Therefore I have included in my report the decision notice from the review and the current Premises Licence. There have been two inspections of the premises since additional conditions were placed on the licence by the Sub-Committee on both occasions faults were found. Under the current regulations if the Sub-Committee granted this Temporary Event Notice the premises would on that day be operating on the Temporary Event Notice alone and would not have to keep to any of the conditions imposed on the premises licence.



Havering

LONDON BOROUGH

John Wade
Public Protection Manager

Housing & Public Protection
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

The Manager
Licensing Section
Enterprise Inns PLC
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ

Telephone: 01708 432777
Fax: 01708 432554
email: licensing@havering.gov.uk
Textphone ☎: 01708 433175

Date: 3rd November 2010

My Reference: PJJ/001970

Dear Sir/Madam

Licensing Act 2003
Premises Licence Number – 001970
Saxon Horn Uppminster Road North Rainham RM13 9RY

Attached is the premises licence for the above address as modified by the recent premises licence review, in accordance with the Licensing Act 2003.

You are reminded that the premises licence or a certified copy of the licence must be kept at the premises while the licence summary, known as Part B, must be displayed on the premises in a prominent position.

Full details of the Licensing Act regulations can be found on the Department for Culture Media and Sport (DCMS) web site www.culture.gov.uk/alcohol_and_entertainment

For further information relating to your licence please contact the Licensing Authority detailed above.

Please note that the granting of a licence under this Act does not remove the need for any necessary consent under other legislation, such as the Planning Acts. The fact that a licence has been granted on certain terms does not imply that similar terms will be agreed under other legislation.

Yours faithfully

Paul Jones
Licensing Officer



Premises licence number

001970

Part 1 – Premises details

Postal address of premises

Saxon Horn PH
Upminster Road North Rainham RM13 9RY

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films, live music, recorded music, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Wednesday – 10:00 to 23:00
Thursday to Saturday – 10:00 to 00:00
Sunday – 12:00 to 22:30

The opening hours of the premises

Monday to Wednesday – 10:00 to 23:30
Thursday to Saturday – 10:00 to 00:30
Sunday – 12:00 to 23:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and off supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Enterprise Inns Plc
3 Monkspath Hall Road Solihull W. Midlands B90 4SJ
0121 733 7700

1 of 8

Signed

Paul Jones, Licensing Officer

Registered number of holder

02562808

Name and address of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Leroy Gary Lees
84 Clopton Road Sheldon Birmingham B33 0RH

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

5012/1 – Birmingham City Council

Mandatory conditions

1. No supply of alcohol may be made under the Premises Licence:
 - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
 - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following: activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

Mandatory conditions – contd.

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 6. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
 7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 8. Where a programme includes a film in the 12A, 15 or 18 category no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –
PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.
Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.
This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person’s parents or legal guardian has first been obtained.

Signed

Paul Jones, Licensing Officer

Annex 2 – Conditions consistent with the operating schedule

1. Illumination of exterior areas of the premises shall continue to be provided.
2. All interior trading areas shall remain visible to staff from behind the bar servery.
3. Rota system shall be used to check the toilets regularly.
4. Licensees/staff shall monitor customer behaviour especially during busy periods.
5. CCTV shall continue to be used for monitoring car park bays, garden and interior of bar.
6. There must be a minimum of two staff on duty at any one time.
7. Drug prevention measures shall continue, with signs displayed.
8. Soft drinks for drivers shall be available at all times.
9. Posters shall be displayed reminding customers regarding drinking and driving.
10. Health and safety policy shall remain in place and be adhered to at all times.
11. Risk assessment shall be carried out quarterly.
12. The premises must remain equipped with emergency lighting and exit signs illuminated.
13. All fire equipment shall be serviced annually.
14. All portable electrical appliances shall continue to be tested annually.
15. Electric and gas shall be tested regularly.
16. Mechanical extraction shall remain in each bar with an air cleaner in one bar.
17. Pest control contract shall remain in place.
18. The premises must have a first-aider and first aid facilities.
19. The premises must promote a licensed taxi service to facilitate its customers making onward journeys.
20. Accident/incident book must remain on site for staff and public.
21. HACCP policy shall remain in place.
22. Noise survey shall be carried out regularly, especially when entertainment is being provided.
23. Staff shall organise taxis to transport customers home. Customers must be seen off the premises and encouraged to disperse at closing time.
24. Standard glasses to be phased out gradually to be replaced with toughened glass.
25. Cellar cooling condenser shall remain sound proofed.
26. Signs shall be displayed prominently asking customers to respect neighbours and leave the premises quietly.
27. Unaccompanied children must not be permitted on the premises and no children to be permitted on the premises after 20:00hrs.
28. Two AWP's to remain in sight of the bar counter.
29. Non-standard timings
 - (a) A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday.
 - (b) A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
 - (c) A further additional hour every Christmas Eve and Boxing Day.

30. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
 - (c) to a canteen or mess.
31. Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, as stated above.
 - (b) On Sundays, other than Christmas Day or New Year's Eve, as stated above.
 - (c) On Good Friday, 12 noon to 10.30 p.m.
 - (d) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - (e) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
 - (f) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
 - (g) 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 31st December).

The above restrictions do not prohibit:

- (i) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
 - (ii) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
 - (iii) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
 - (iv) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
 - (v) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (vi) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (viii) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - (ix) the taking of alcohol from the premises by a person residing there; or
 - (x) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- or

Signed

Paul Jones, Licensing Officer

Annex 2 – Conditions consistent with the operating schedule – contd.

- (xi) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

1. A noise limiter shall be installed within the main bar area. Details of the noise limiter to be installed shall be provided to the local authority for approval prior to installation. The noise limiter shall be set by a competent electrician. Once installed the unit shall be set and sealed by officers from Housing & Public Protection.
2. All external exits to the main bar area shall be fitted with lobbied doors.
3. The use of any external parts of the premises by patrons for any other purpose than smoking shall cease by 23:00 Monday to Saturday and by 22:00 on Sundays and bank holidays.
4. The garden shall be accessible only through the pub and not from outside the premises.
5. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.
6. A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premise. The Premises Daily Register will also record all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.
7. Drinks shall be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper)
Note. Weights and measures legislation requires the use of “stamped glasses” where “meter-measuring equipment” is not in use.
8. Drinks shall be served in containers made from toughened glass (tempered glassware).
Note. Weights and measures legislation requires the use of “stamped glasses” where “meter-measuring equipment” is not in use.
9. The Licence Holder shall implement a written Drugs Policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police.

10. The Designated Premises Supervisor shall hold a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.
11. All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.
12. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
13. At least one trained first-aider shall be on duty when the public are present.
14. All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.
15. The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.
16. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as ‘identification standard’ of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.
17. The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a ‘System File’ which should be readily available for inspection by the relevant authority;
 - Site plan showing position of cameras and their field of view.
 - Code of Practice.
 - Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position
 - Operational requirement.
 - Incident log.
 - Maintenance records including weekly visual checks.
18. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

Signed

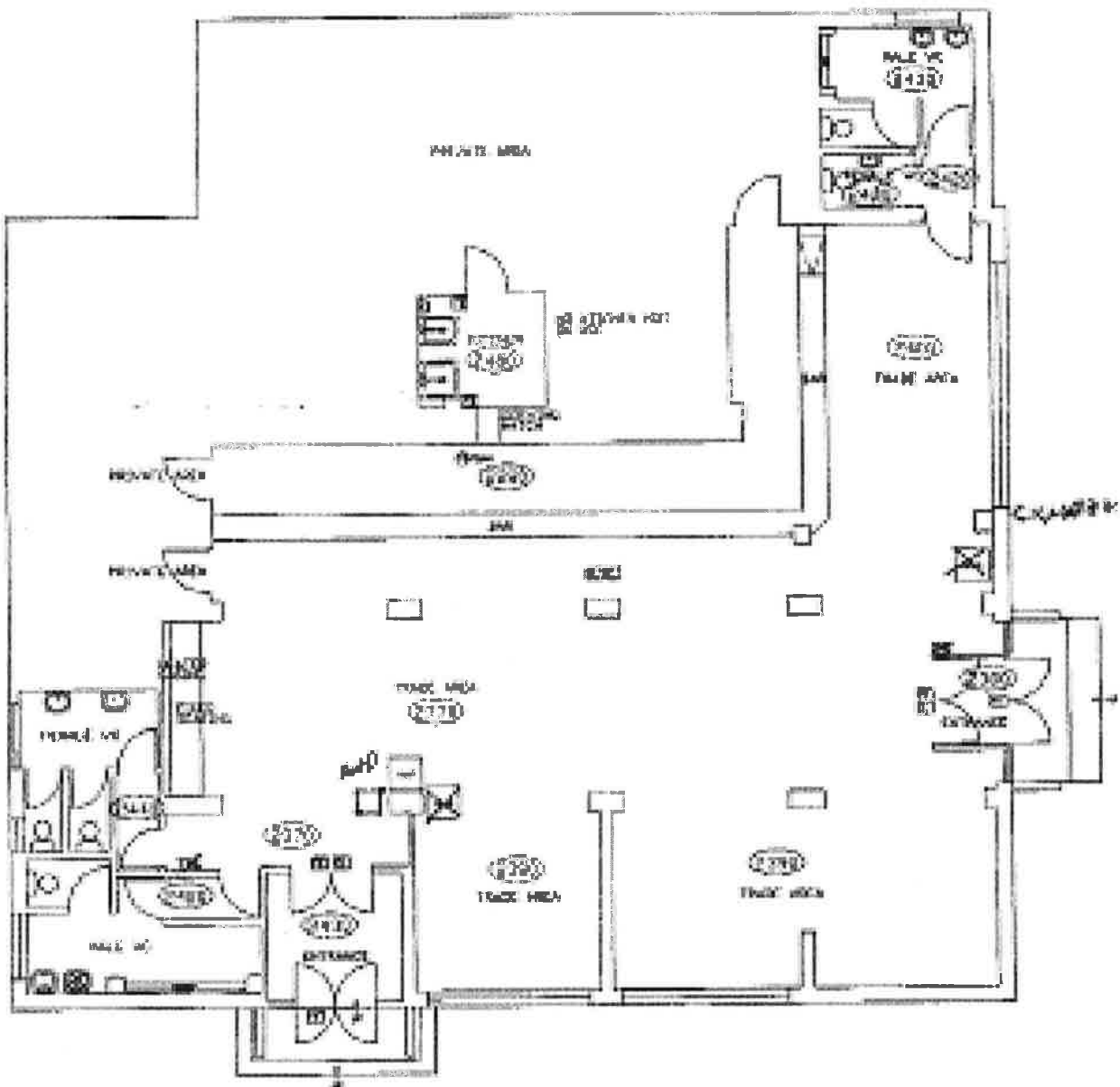
Paul Jones, Licensing Officer

Annex 3 – Conditions attached after a hearing by the Licensing Authority – contd.

19. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.
20. The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.
21. Annex 3 conditions 1-20 shall be implemented by 30th November 2010.

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:





Part B

Premises licence summary

Premises licence number

001970

Premises details

Postal address of premises

**Saxon Horn PH
Upminster Road North Rainham RM13 9RY**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films, live music, recorded music, supply of alcohol

The times the licence authorises the carrying out of licensable activities

**Monday to Wednesday – 10:00 to 23:00
Thursday to Saturday – 10:00 to 00:00
Sunday – 12:00 to 22:30**

The opening hours of the premises

**Monday to Wednesday – 10:00 to 23:30
Thursday to Saturday – 10:00 to 00:30
Sunday – 12:00 to 23:00**

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On and off supplies

Name, (registered) address of holder of premises licence

**Enterprise Inns Plc
3 Monkspath Hall Road Solihull W. Midlands B90 4SJ**

Registered number of holder

02562808

1 of 2

Signed

Paul Jones, Licensing Officer

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Leroy Gary Lees

State whether access to the premises by children is restricted or prohibited

Restricted

2 of 2



Licensing Act 2003 Notice of Decision

PREMISES

The Saxon Horn Public House
Upminster Road North
Rainham
Essex
RM13 9RY

DETAILS OF APPLICATION

Application for a review of the premises licence by the London Borough of Havering Trading Standards Service under section 51 of the Licensing Act 2003 ("the Act").

APPLICANT

Pc Dave Leonard
Metropolitan Police
Romford Police station
19 Main Road
Romford
Essex
RM1 3BJ

1. Details of existing licensable activities

Opening hours of the premises		
Days	From	To
Monday to Wednesday	10:00 hours	23:30 hours
Thursday to Saturday	10:00 hours	00:30 hours of the day following
Sunday	12:00 hours	23:00 hours

The times the licence authorises the carrying out of licensable activities		
Days	From	To
Monday to Wednesday	10:00 hours	23:00 hours
Thursday to Saturday	10:00 hours	00:00 hours
Sunday	12:00 hours	22:30 hours

On and off sales of alcohol

2. Grounds for Review

The grounds for review of the licence are as follows:

The Police were satisfied that mismanagement of the premises over a sustained period has led to a repeated failure to promote all four of the licensing objectives

3. Promotion of the Licensing Objectives

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

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

4. Details of Representations

Public Health – (a responsible authority under the Licensing Act 2003) – The representation stated that:

- Prevention of public nuisance – following several complaints with regards to noise nuisance, confirmed by an Environmental Health Officer, the Council's Public Protection Department had served a Noise Nuisance Abatement Notice to Enterprise Inns Ltd on 5 July 2010.

The representation suggested the following conditions be imposed upon the premises to minimize the impact of noise and the disturbance to residents:

- A noise limiter to be installed, to be set and sealed by officers from the Council's Housing and Public Protection Department;
- All external exits to be fitted with lobbied doors;
- The use of any external parts of the premises by patrons for any other purpose than smoking to cease by 23:00 hours Monday to Saturday and 22:00 hours on Sundays and bank holidays.

Chief Officer of Metropolitan Police (“the Police”) (a responsible authority under the Licensing Act 2003) –

The representation stated that:

- Prevention of crime & disorder - The Police had periodically been required to meet with the premises' licensees and managers to discuss local complaints relating to late night after hours drinking, noise nuisance and anti-social behaviour caused by patrons using and exiting the premises. On a visit to the premises, swab tests were taken for controlled substance misuse, which showed the presence of illegal drugs. The Police had also had to attend upon the premises on occasion, including having to deal with fighting, and a domestic dispute.
- Protection of children from harm - The Police and Trading Standards officers had carried out a failed test purchase initiative on 16 December 2008. Police had also

viewed people known to be under the age of 18 on some of their attendances upon the premises.

- Prevention of public nuisance - Following several complaints with regards to noise nuisance the Council's Public Protection Manager had served a Noise Nuisance Abatement Notice to Enterprise Inns Ltd on 5 July 2010.
- Public Safety – The premises' CCTV system in its current form was not fit for purpose and not compatible with accepted good practice.
- The Police were concerned that management at the premises has not been robust, and had failed to address the promotion of the four licensing objectives. A number of conditions were suggested by the Police to deal with these issues should the premises retain its license. The Police also suggested a reduction in the hours of licensable activity.

London Fire & Emergency Planning Authority ("LFEPA") – None

Health & Safety Enforcing Authority - None

Planning Control & Enforcement – None

Trading Standards Service – None

The Magistrates Court – None

Representation from Interested Party – There were representations from four members of the public.

Mr D Richards 348 Upminster Road North, Rainham Essex RM13 9RY
Mr & Mrs Pawley 344 Upminster Road North, Rainham Essex RM13 9RY
Ms Anthony 346 Upminster Road North, Rainham Essex RM13 9RY
Mr & Mrs Winch 387 Upminster Road North, Rainham Essex RM13 9RX

Mr Richards' representation dealt with issues of excessive noise and anti-social behaviour, particularly relating to the garden area, which created nuisance for residents in the area. He suggested that because the garden area was not fenced off, the premises were unable to control who was there.

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

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

Reply for the Premises Licensee

The Legal Representative for Enterprise Inns agreed with what had been said by PC Leonard about the poor management of the premises and admitted that this had been inexcusable.

The Legal Representative confirmed that Enterprise Inns had taken over the management of the premises from the former owners J P Taverns and that the previous tenants had left the premises. He also confirmed that the new tenants were a company called Pubs and Bars Limited who had been given a long term lease.

He also confirmed that the new tenants had substantial experience in running licensed premises and in particular community pubs, and this is their intention with these premises.

The Legal Representative also confirmed that Enterprise Inns and Pubs and Bars Limited agreed to all the conditions that had been put forward by PC Leonard in his submission.

He also confirmed that it was perfectly acceptable to agree to the conditions that had been proposed by Mr Gasson in his memo to Paul Jones dated 8 September 2010.

The Legal Representative confirmed that the new management wished to continue with the practice of having live entertainment and that access to the garden should only be through the pub and not from outside of the premises through the dismantled garden wall and that the garden would be closed after 23.00 hours, only accessible to smokers.

The Legal Representative also confirmed that he was unhappy that no action had been taken following the issue of the noise abatement notice, and would speak with management on that issue.

It was also confirmed that no glass bottles would be taken outside of the premises and that the current tenants did not wish to employ door supervisors as they wished to run the premises as a community pub. He also confirmed that a telephone number would be made available to local residents so that they could contact Enterprise Inns directly if they had any concerns with the management of the premises.

The Legal Representative asked that the Sub-Committee took into account the new management structure in place at the premises and asked that they be given the chance to turn things around

5. Determination of Application

Consequent upon the hearing held on 30 September 2010, the Sub-Committee's decision regarding the review of a premises license for The Saxon Horn Upminster Road North Rainham Essex RM13 9RY is 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 of the First Protocol of the Human Rights Act 1998. The Sub-Committee also took account of the recommendations of the Department for Culture, Media and Sport (DCMS) advice contained within its guidance: *Problem Premises on Probation* dated 2 September 2009.

Decision

Having considered the relevant representations by the responsible authorities and the premises license holder, the Sub-Committee decided to add the following conditions to the premises license.

Conditions to be added to premises licence were:

1. A noise limiter was to be installed within the main bar area. Details of the noise limiter to be installed were to be provided to the local authority for approval prior to installation. The noise limiter was to be installed by a competent electrician. Once installed the unit was to be set and sealed by officers from Housing and Public Protection.
2. All external exits to the main bar area were to be fitted with lobbied doors.
3. The use of any external parts of the premises by patrons for any other purpose than smoking was to cease by 23.00 hours Monday to Saturday and by 22.00 hours on Sundays and bank holidays.
4. The garden to only be accessible through the pub and not from outside the premises.

CD1 All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.

CD6 A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premise. The Premises Daily Register will also record all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record

the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.

CD9 Drinks shall be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper)

Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.

CD10 Drinks shall be served in containers made from toughened glass (tempered glassware).

Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.

CD20 The Licence Holder shall implement a written Drugs Policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police.

CD21 The Designated Premises Supervisor shall hold a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.

CD22 All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.

PS22 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

PS23 At least one trained first-aider shall be on duty when the public are present.

CDGPG2 All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

PNGPG2 The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.

CD15 - A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.

CD16 The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;

Site plan showing position of cameras and their field of view.

Code of Practice.

Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position

Operational requirement.

Incident log.

Maintenance records including weekly visual checks.

CD17 To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

CD18 The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.

CD19 The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.

The Sub-Committee agreed that the conditions listed above were due to be implemented by 30 November 2010.

6. Right of 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 application 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.

Richard Cursons
Clerk to the Licensing Sub-Committee

Licensing Sub-Committee

Appendix 1 - Copy of the Application

10/3/11

SAXON HORN

10008



London Borough of Haverling
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
licensing@haverling.gov.uk
Telephone: 01708 432777

* required information

Section 1 of 8

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

The information given here will be saved and will be pre-filled in future forms.

Section 2 of 8

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Yes

No

Your date of birth / /
dd mm yyyy

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Continued from previous page...

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 8

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

* Does the premises have an address?

Yes No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

* Building number or name	Saxon Horn
* Street	Upminster Road North
District	
* City or town	Rainham, Essex
County or administrative area	
* Postcode	RM13 9RY
* Country	United Kingdom

Location Details

Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Describe the nature of the event below (see also guidance on completing the form, note 5)

The pub will be used for 21st private birthday party - Thursday 10th March 2011. This will be a private function.

Section 4 of 8

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol

Continued from previous page...

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

State the dates on which you intend to use these premises for licensable activities
(see also guidance on completing the form, note 7)

10/03/2011

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)
(see also guidance on completing the form, note 8)

19:00-02:00

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers
(see also guidance on completing the form, note 9)

140

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both
(see also guidance on completing the form, note 10):

- On the premises only
- Off the premises only
- Both

Section 5 of 8

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 11)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Continued from previous page...

Date of expiry

/ /
dd mm yyyy

Any further relevant details

Section 6 of 8

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 12)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Section 7 of 8

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 13)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: Yes No

a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 8

CONDITION

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.
(See also guidance on completing the form, note 14)

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

ATTACHMENTS

DECLARATION

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

LEROY LEES

* Capacity

PUB LANDLORD

Continued from previous page...

* Date

/ /
dd mm yyyy

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Digital signature

You can digitally sign the form if you wish, this will be verified and passed to the authority.

When you are satisfied that you have completed the form correctly, save it and continue with the application process. If the online application screen is no longer available in your browser, [click here](#) to resume.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="221392130742"/>
Fee paid	<input type="text" value="21.00"/>
Payment provider reference	<input type="text" value="438458371"/>
ELMS Payment Reference	<input type="text" value="27656"/>
Payment status	<input type="text" value="Paid"/>
Payment authorisation code	<input type="text" value="cardbe.msg.authorised"/>
Payment authorisation date	<input type="text" value="Feb 22, 2011"/>
Date and time submitted	<input type="text" value="Feb 22, 2011 1:56:21 AM"/>
Approval deadline	<input type="text" value="Feb 24, 2011"/>
Error message	<input type="text"/>
Is Digitally signed	<input checked="" type="checkbox"/>

Digital Signature Information

Signer's name	<input type="text" value="Leroy Lees"/>
Signer's contact information	<input type="text"/>
Signing time	<input type="text" value="2011-02-22T01:44:51"/>
Signer status	<input type="text" value="Identity Unknown - Identity Verification of the"/>
Signature status	<input type="text" value="Signature Valid but document modified - The"/>
Certificate issuer	<input type="text" value="C=US,1.2.840.113549.1.9.1=#160f6c6c656536"/>

Licensing Sub-Committee

Appendix 2 - Map of local area



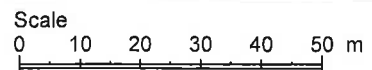
Saxon Horn

Map Reference: TQ5382NE



nlpg **NSG** NATIONAL STREET GAZETTEER
 Ordnance Survey

Scale @ A4 1:1250
 Date: 23/02/2011



Havering
 LONDON BOROUGH

London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

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Licensing Sub-Committee

Appendix 3 - **Representations from Responsible Authorities**



**METROPOLITAN
POLICE**

Working together for a safer London

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

Your Reference:

Our Reference:

**Dave Leonard PC231KD
Romford Police Station
19 Main Road
Romford,
Essex
RM1 3BJ**

Telephone: 01708 432781
Fax: 01708 432554

**Email:
haveringpolice@met.police.uk
Dave.Leonard@met.police.uk
Date: 22nd February 2011**

Dear Sir,

Re- Application For Temporary Event Notice to Extend Licensable Activity

21st Birthday Party – 10th March 2011 - 1900hrs-0200hrs

The Saxon Horn, Upminster Road North, Rainham RM13 9RY

With reference to the above, whilst Police would ordinarily wish to support the majority of local events within the community, there are a number of issues that require addressing before support may be offered on this occasion. The police, therefore, ***make representation*** against the application for a Temporary Event Notices received on 22nd February 2011 registered by Mr Leroy Lees.

In view of the fact that Police are only permitted 48 hours in which to respond to this application it cannot merit police support in its current format.

Please find attached a copy of two warning notices sent by LBH Licensing Officer Paul Campbell to both the Designated Premises Supervisor, Mr Leroy Lees, and the Premises Licence Holder, Enterprise Inns Plc;

1. Dated 2nd December 2010 advising of a number of breaches to the terms & conditions of the premises licence.
2. Dated 2nd February 2011, a Formal Warning Notice highlighting a failure to address a number of the breaches identified following the site visit on 2nd December 2010.

This applicant has failed to comply with the terms and conditions of the premises licence despite two warning notices being served by the Local Authority. These conditions were either accepted by the Premises Licence Holder or imposed by the Licensing Sub-Committee following a Review hearing on 30th September 2010.

As the Licensing Officer representing Havering Borough Police, I sought a Review of the licence following ongoing concerns of controlled substance abuse occurring on the premises, public nuisance dispersal issues arising from late night drinking and a repeated failure of the Premises Licence Holder to address these concerns.

I have contacted the DPS, Mr Lees, as a courtesy and advised of the police intention to make representation against his application.

The Saxon Horn is situated in a predominantly residential location. With the event taking place on a weekday and licensable activity proposed until 2am, it is imperative that all possible measures are taken to ensure a safe and enjoyable environment for both their patrons and staff. Alcohol consumption will undoubtedly be increased.

The police accept that, at present, there is no requirement for conditions to be attached to a venue where a Temporary Event Notice is in existence. However, it is the police contention that, in line with conditions currently imposed on the premises licence, the venue should be operating to the required standards at *ALL* times that it is open for licensable activity. If it can be shown that Mr Lees has addressed our concerns **and the terms and conditions of the premises licence**, consideration may be given to withdrawing our representation. In any case, these recurring concerns **must** be addressed to avert further offences being committed against the Licensing Act 2003.

Having been made aware of these breaches back in December 2010, and again this month, the DPS has continued to authorise the provision of licensable activity and, therefore, has been committing criminal offences on a daily basis. If Mr Lees cannot conduct daily business in accordance with the premises licence one must question if he will be able to do so when operating a Temporary Event Notice.

If I can be of any further assistance in this matter please do not hesitate to contact me in the Licensing Office at Mercury House on **01708 432781**.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Dave Leonard', written in a cursive style.

Dave Leonard
Licensing Officer
Havering Borough Police

LICENSING OFFICER'S CLOSING SUMMARY

THE SAXON HORN PUBLIC HOUSE, UPMINSTER ROAD NORTH, RAINHAM, is situated in a residential community. The premises is authorised to carry out the licensable activities of supply of alcohol, films, live music, recorded music. The premises licence holder only sought an additional one hour trading on Friday and Saturday nights when the revised Licensing Act was introduced in 2005 and was, therefore, afforded 'grandfather rights' to convert the licence and not required to address the promotion of the four licensing objectives.

During a sustained period not enough has been done by Enterprise Inns through Regional Manager, Richard Norton, and Tenancy at Will holder, Mr Jonathon Hunt, to address the promotion of the four licensing objectives.

*When seeking a Review of the Premises Licence, it must be asked what the applicant hopes to achieve from the Hearing. The Police have communicated with the representatives of the Premises Licence Holder when it has been necessary to endorse the need for steps to be taken to address the four licensing objectives. However, assurances made to introduce security upgrades such as fitting a CCTV system to the standards recommended by the Borough CPDA, employing an experienced designated premises supervisor and introducing a zero tolerance drugs policy have, so far, not been forthcoming. The installation of a reliable CCTV system in compliance with conditions set in the 'Haverling Pool of Conditions' will not only act as a deterrent to unruly customers, it will assist the police to promptly and effectively investigate any reported incidents **and** it will help to protect the integrity of the DPS & PLH in the future should any frivolous or vexatious allegations be made.*

It is the police contention that, with noise nuisance and anti-social behaviour being a genuine concern, the premises is currently unable or unwilling to address these objectives and the suspension of the premises licence until these concerns have been satisfactorily addressed should merit consideration.

*Alternatively, a **reduction** in the hours of licensable activity at the premises - with a definitive closing time - will serve to ease these concerns in a residential community. The introduction of a manager willing to comply with the terms and conditions of the premises licence in a robust and conscientious manner may assist with this.*

Should the appropriate measures be taken, the Committee may see fit to impose conditions to ensure that they are robustly adhered to.

**PC Dave LEONARD
Licensing Officer
Haverling Borough Police**



Havering

LONDON BOROUGH

John Wade
Public Protection Manager

Housing & Public Protection
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Enterprise Inns Plc
Area Manager
Enterprise Inns Plc
3 Monkspath Hall Road
Solihull
W Midlands
B90 4SJ

Telephone: 01708 432766
Fax: 01708 432554
email: paul.campbell@havering.gov.uk
Textphone ☎: 01708 433175

Date: 2 December 2010

My Reference: PPC/027256

Dear Sir/Madam

Licensing Act 2003
The Saxon Horn, Upminster Road North, Rainham, RM13 9RY

In relation to the visit I made to the above premises on 2nd December 2010 the following items need to be addressed :-

Condition 7 and 8 (on page 6 of 8 of the premises licence imposed after the review hearing) relates to non glass containers it reads:-

7. Drinks shall be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper)

Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.

8. Drinks shall be served in containers made from toughened glass (tempered glassware).

Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.

Normal glass is still in use at the premises

Condition 9 (on page 6 of 8 of the premises licence imposed after the review hearing) relates to a written Drugs Policy it reads:-

9. The Licence Holder shall implement a written Drugs Policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police.

This policy has not been seen or approved by Havering Police

Public Protection Bringing together Environmental Health & Trading Standards

Condition 10 (on page 7 of 8 of the premises licence imposed after the review hearing) relates to a Drugs Awareness Qualification for the DPS it reads:-

10. The Designated Premises Supervisor shall hold a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.

The DPS at the premises Mr Leroy Lees does not hold a National Certificate of Drugs Awareness Qualification.

Condition 12 (on page 7 of 8 of the premises licence imposed after the review hearing) relates to an adequate and appropriate supply of first aid equipment it reads:-

12 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

There is not an adequate and appropriate supply of first aid equipment and materials on the premises.

Condition 13 (on page 7 of 8 of the premises licence imposed after the review hearing) relates to a first aider being on the premise it reads:-

13. At least one trained first-aider shall be on duty when the public are present.

No person at the premises is First Aid trained

Condition 15 (on page 7 of 8 of the premises licence imposed after the review hearing) relates to a written dispersal policy it reads:-

15. The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.

The Licensing Authority has not received or approved a dispersal property.

Condition 17 (on page 7 of 8 of the premises licence imposed after the review hearing) relates CCTV:-

The CCTV system was not working at the time of inspection

Condition 21 (on page 8 of 8 of the premises licence imposed after the review hearing) relates to the time scale it reads:-

21. Annex 3 conditions 1-20 shall be implemented by 30th November 2010

My next visit will be in one month on that occasion I will need to inspect the following items to check compliance :-

- Premises Licence
- Part "B" of the licence correctly displayed
- That all Conditions on the premises licence are being complied with
- Records that need to be kept in accordance with the Premises Licence
- Designated Premises Supervisors Personal Licence

If you need any help or assistance please contact me at the above.

Yours faithfully

Paul Campbell
Licensing Officer

CC – Metropolitan Police Romford Police Station 19 Main Road Romford
Mr Leroy Lees C/O Saxon Horn Public House Upminster Road North Rainham
RM13 9RY



Havering

LONDON BOROUGH

John Wade
Public Protection Manager

Housing & Public Protection
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Enterprise Inns Plc
Area Manager
Enterprise Inns Plc
3 Monkspath Hall Road
Solihull
W Midlands
B90 4SJ

Telephone: 01708 432766
Fax: 01708 432554
email: paul.campbell@havering.gov.uk
Textphone ☎: 01708 433175

Date: 2 February 2011

My Reference: PPC/027256

Dear Sir/Madam

Licensing Act 2003
The Saxon Horn, Upminster Road North, Rainham, RM13 9RY

FORMAL WARNING

In relation to the visit I made to the above premises on 2nd December 2010 I again-inspected the premises on 27th January 2011. The following items have still not been addressed :-

Condition 7 and 8 (on page 6 of 8 of the premises licence imposed after the review hearing) relates to non glass containers it reads:-

7. Drinks shall be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper)

Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.

8. Drinks shall be served in containers made from toughened glass (tempered glassware).

Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.

Not all containers used at the premises meet this condition

Condition 9 (on page 6 of 8 of the premises licence imposed after the review hearing) relates to a written Drugs Policy it reads:-

9. The Licence Holder shall implement a written Drugs Policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police.

This policy has not been seen or approved by Havering Police

Public Protection Bringing together Environmental Health & Trading Standards

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10. The Designated Premises Supervisor shall hold a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.

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15. The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.

The Licensing Authority has not received or approved a dispersal property.

My first inspection was made during the severe weather on this occasion I fully inspected the gardens Condition 4 (on page 6 of 8 of the premise licence imposed after the review hearing) relates to the garden fencing it reads

4. The garden shall be accessible only through the pub and not from outside the premises.

Customers and others can get access to the gardens directly from the car park as the fencing has not been completed.

Condition 21 (on page 8 of 8 of the premises licence imposed after the review hearing) relates to the time scale it reads:-

21. Annex 3 conditions 1-20 shall be implemented by 30th November 2010

My next visit will be in one to three months on that occasion I will need to inspect the following items to check compliance :-

- Premises Licence
- Part "B" of the licence correctly displayed
- That all Conditions on the premises licence are being complied with
- Records that need to be kept in accordance with the Premises Licence
- Designated Premises Supervisors Personal Licence

If you need any help or assistance please contact me at the above.

Yours faithfully

Paul Campbell
Licensing Officer

CC – Metropolitan Police Romford Police Station 19 Main Road Romford
Mr Leroy Lees C/O Saxon Horn Public House Upminster Road North Rainham
RM13 9RY

**Application for the review of a premises licence or club
premises certificate 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 Dave LEONARD, on behalf of the Commissioner of the Metropolitan Police,
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description SAXON HORN Upminster Road North	
Post town Rainham	Post code (if known) RM13 9RY

Name of premises licence holder or club holding club premises certificate (if known) ENTERPRISE INNS Plc
--

Number of premises licence or club premises certificate (if known) 001970

Part 2 - Applicant details

I am

- | | Please tick yes |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

3) a member of the club to which this application relates (please complete (A)
below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Police Constable 231KD Dave LEONARD Havering Borough Licensing Officer Romford Police Station 19 Main Road, Romford RM1 3BJ
Telephone number (if any) 01708 432781
E-mail address (optional) dave.leonard@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The Police are satisfied that mis-management of the premises over a sustained period has led to a repeated failure to promote all four of the licensing objectives.

Please provide as much information as possible to support the application
(please read guidance note 2)

SCHEDULE OF ATTACHED DOCUMENTS

- 1/ Statement by Borough Licensing Officer PC Dave LEONARD
- 2/ List of IIP Reports relating to The Saxon Horn Public House including;
 - * List of CRIS Reports referring to above
 - * List of CRIMINT entries referring to above
 - * List of CAD calls referring to above
- 3/ Copy of CPDA Report by PC NOLAN detailing CCTV specifications
- 4/ Statement of LBH Health & Safety Officer John GILES
- 5/ Copy of Noise Abatement Notice & accompanying letter by Marc GASSON LBH
- 6/ Copy of Premises Licence
- 7/ Copy of Application to Vary DPS dated 28th May 2010
- 8/ List of Recommendations drawn from Havering 'Pool of Conditions'
- 9/ Licensing Officer's Summary

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 10/08/2010

.....

Capacity Licensing Officer Havering Borough Police

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

.....

Post town	Post Code
------------------	------------------

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Dave LEONARD** URN:

01	KD		07
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Age if under 18 **Over 18 years** (if over 18 insert 'over 18') Occupation: **Police Constable 175448/231KD**

This statement (consisting of: **6**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **22nd July 2010**

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC 231KD Dave LEONARD. I am a serving police officer with over thirty years experience. I transferred to Havering Borough in 1992. I was posted to the Licensing Department in 1999 and was appointed as Borough Licensing Officer in 2004.

During this period of time I have been aware of the social issues surrounding the location of THE SAXON HORN public house. The premises are situated in UPMINSTER ROAD NORTH, RAINHAM in a predominantly residential location. I have periodically been required to meet with the premises' licensees and managers to discuss local complaints relating to late night after hours drinking, noise nuisance and anti-social behaviour caused by patrons using and exiting the premises.

On TUESDAY, 16th DECEMBER 2008 at 7.25PM in partnership with LBH Trading Standards officers - Diana DIAZ, Frederick HOLMES and Katalin MORATH - and two fifteen year old volunteers (1male/1female) we conducted a test purchase initiative for the underage sale of alcohol at the premises. The sale of 1x 330ml bottle of Stella Artois was made by sole barman behind the counter, Mr Jason William TAYLOR. There were about fifteen males in the bar area. Two were very verbal and were clearly not pro-police. The DPS at this time, Mrs Lesley CARRUTHERS, was called from upstairs and advised to control the unruly customers in her bar. Compliance was more readily offered when the licensing act was read out. I issued a fixed Penalty Notice for Disorder (PND) 01/A66117747 to Mr TAYLOR for committing the offence of selling alcohol to a person under the age of eighteen years. ELEVEN similar tests were conducted in this initiative. Only two premises failed the initiative. They were THE SAXON HORN and THE SQUIRRELS. (crimint entry KDRT00229669 refers)

On 18TH DECEMBER 2009, I was made aware that THE SAXON HORN had closed. This coincided with it being exactly three years after the Premises Licence Holders had taken possession of the premises. An application was made by ENTERPRISE INNS PLC to take the transfer of the premises licence from EMERALD ALE HOUSE LTD. I contacted their business address at 215A UPMINSTER ROAD, SOUTH RAINHAM only to discover that the phone had been disconnected. A phone call to ENTERPRISE INNS PLC also proved fruitless with no reply. (crimint entry KDRT00240336 refers)

On 21st DECEMBER 2009, I received an application from ENTERPRISE INNS PLC seeking to take the transfer of the premises licence at THE SAXON HORN PUBLIC HOUSE from EMERALD ALE HOUSE LTD. Further enquiries with the solicitors representing ENTERPRISE INNS revealed that the Premises Licence Holders, EMERALD ALE HOUSE LTD., had succumbed to financial difficulties. This information was supported by the LLA who confirmed that EMERALD ALE HOUSE LTD. had defaulted with the annual licence fee. The police were further advised that the premises were now alarmed and boarded up and would remain so until the New Year. I advised that the new owners provide out of hours contact numbers just in case the premises were broken into.

On 7TH MAY 2010, I was made aware by PCSO Raymond BOWERS of the following concerns that regular after hours drinking and "lock ins" were taking place at THE SAXON KING PUBLIC HOUSE. This was taking place on Friday or Saturday nights. PCSO BOWERS advised that there was always a smell of smoked drugs present when the windows were opened in the warm weather. Loud music was reportedly playing till past 1AM in the morning. There have apparently been altercations outside the premises in the early hours of the morning resulting in persons being injured (crimint entry KDRT00244844 refers).

On FRIDAY 28TH MAY 2010 at 12.40PM together with officers from the Rainham & Wennington Ward SNT, PS Matt CHATTERS and PCSO Raymond BOWERS, I conducted a visit to premises to meet with the DPS to discuss;

Signature: Signature witnessed by:

Continuation of Statement of

1. Rainham Wennington & South Hornchurch SAFE & SOUND Meeting on 3RD JUNE 2010
2. Risk assessment event planning for the football World Cup and complete the Borough proforma.
3. conduct drug analysis swab tests to identify potential controlled substance abuse on the premises
4. allegations of poor premises management arising from an unhealthy number of local complaints re-under age drinking, controlled substance abuse, after hours drinking, and noise nuisance etc.

There were three customers drinking at the bar servery area and two of them immediately left the premises both leaving their two-thirds full pint glasses of beer. A single female behind the bar greeted us and announced that she was Miss Laura Suzanne SCOTT, the Designated Premises Supervisor. Miss SCOTT claimed to have been living at the premises since February 2010 and been the DPS since that time. She produced a personal licence number CYC.013129 issued by City of York Council showing her home address as WELLINGTON INN, 47 ALMA TERRACE YORK YO10 4DL She also produced the SAXON HORN premises licence Part B which showed the DPS as being Ms Calash KAUR. Subsequent checks with the LBH LLA confirmed that there had been no application received to vary the DPS from KAUR to SCOTT. Upon being challenged, Miss SCOTT back pedalled as to how long she had been at the premises and tried to claim that she had worked under the guidance of the DPS, Ms KAUR, for two weeks until the end of MARCH 2010 when Ms KAUR left to become the DPS at THE BULL PUBLIC HOUSE, RAINHAM ROAD SOUTH DAGENHAM RM10 8AQ. I spoke with Ms KAUR on her mobile phone and between Miss SCOTT and Ms KAUR it was claimed that both had believed that the company solicitors had completed all the relevant DPS variation paperwork over eight weeks ago. Certainly Miss SCOTT believed that she was the DPS at THE SAXON HORN and Ms KAUR was categorically denying any day to day control or responsibility at the premises.

I was advised that THE SAXON HORN was currently the subject of a Tenancy at Will contract. That is, the premises licence holders, ENTERPRISE INNS, were currently trying to sell the pub and a holding company - in this case Mr Jonathan HUNT trading as J P TAVERNS - had temporary hold of the lease in the meantime. I was subsequently advised that J P TAVERNS were responsible for paying all rent and fees whilst being unable to spend on improvements because they do not own the premises. In an effort to resolve this matter Miss SCOTT informed me that her area manager was BEN (she didnt know his surname but this turned out to be Ben DYLLOR). I was advised that the regional manager for J P TAVERNS was Jonathan HUNT. I contacted HUNT using Miss SCOTT's mobile phone and he asked 'whats it got to do with you!' Once firmly establishing my position, Mr HUNT claimed to be the managing director of J P TAVERNS. Mr HUNT stated that Ben DYLLOR was not an area manager but actually a driver who collected the takings and went to the cash and carry. I was then referred to the Regional manager Richard BROWN, who within thirty minutes had joined us at THE SAXON HORN. Miss SCOTT was constantly sniffing and twitching throughout the meeting and appeared very uncomfortable with the situation.

A number of swab test analysis checks for controlled substance misuse in the premises were then carried out with Miss SCOTT's full consent. As a general rule the alarm level can be categorised as shown;

Readings between 1.01 & 3.00 indicate 'background contact' - this is usually caused by something having indirect contact with a drug and then touching the surface tested

Readings between 3.01 & 4.00 indicate 'secondary contact' - this is usually caused by something having direct contact with a drug and then touching the surface tested

Readings above 4.01 indicate 'primary contact' - this is usually caused by the surface tested having direct contact with a drug
The full results of the audit were :-

LOCATION	SUBSTANCE	ALARM LEVEL
male toilets	cocaine	2.88
female toilets	cocaine	4.28
	MDMA	1.04
pool table area	cocaine	2.90
sofa area & tables	cocaine	3.50
sofa tables by toilets	cocaine	3.14
tables / gaming machines	cocaine	3.83
bar servery	cocaine	2.88

This information is not specifically designed for evidential purposes but it does give an indication that any implied zero tolerance drugs policy that may currently be in operation at the premises is not working. Once it was confirmed that Ms KAUR had not been in day to day control for some considerable time and was not prepared to continue to consent to be the DPS, Miss SCOTT was required to close the pub. I advised that the safest way to protect the licence in these conditions and with all the concerns being raised was to remain closed until the matter could be resolved administratively. Mr BROWN stated that the business rates were too high to close the pub for the bank holiday weekend and he opted to immediately drive Miss SCOTT directly to Mercury House and register her as the DPS. I advised Mr BROWN that police enquiries were ongoing and that Miss SCOTT's account of her role over the past two months was at best misleading and we were very likely going to make representation against her appointment as the DPS.

Signature: Signature witnessed by:

Continuation of Statement of

At 2.50PM, I visited Ms Calash KAUR at THE BULL PUBLIC HOUSE, RAINHAM ROAD SOUTH DAGENHAM RM10 8AQ. She confirmed that she left THE SAXON HORN on 25TH FEBRUARY 2010 - the day after the premises was burgled - and has not returned to, or been in day to day control of, the premises since. Ms KAUR appeared a far more responsible prospect and was able to support her account with accompanying paperwork. The result of these enquiries cast further doubt on the honesty and integrity of Miss SCOTT's account of events. Both Miss SCOTT and Mr BROWN were made fully aware of my concerns and lack of confidence in their assurances, or their ability, to successfully manage THE SAXON HORN. A CCTV system was fitted in the bar but there was no evidence of its reliability or effectiveness. At this stage there was no legal requirement or condition on the premises licence to compel the management to employ it in any case. (KDRT00245555)

Further research revealed that since Miss SCOTT had been in charge at the pub in February there had been a noticeable increase in the number of complaints of after hours lock-ins, substance abuse, underage drinking & ASB at the venue. Itemiser testing at the premises seems to support claims that there is little or no responsible management of the pub. I raised these concerns to both Richard NORTON (Regional manager for PLH, ENTERPRISE INNS) and Jonathon HUNT (holder of the Tenancy at Will lease & in the process of attempting to obtain the freehold of the pub). I re-iterated my lack of confidence in Miss SCOTT's abilities to manage the premises, particularly with the world cup tournament approaching. Both men expressed a wish to work with the police - including the removal of the DPS if tangible intelligence was provided to them - and to maintain a close partnership contact to address current concerns. However, they kept faith with Miss SCOTT and assurances were given that once joined by her boyfriend/partner, Mr Lee CASWELL, she would have more support to manage and control the premises. Mr CASWELL is not a personal licence holder.

On 9TH JUNE 2010 at 1.30PM, Mr HUNT attended a meeting at Mercury House with LBH Licensing Officer, Paul JONES, and I to discuss an action plan to address growing concerns at the premises. I insisted that it was imperative that a satisfactory CCTV system was installed as a matter of urgency and I suggested that this would be a better investment in the long term rather than employing door supervisors. In a totally residential location I was concerned that if the venue is in such disarray that door management is considered necessary then they have already lost control. The addition of CCTV would also assist with protecting the integrity of the DPS against potentially frivolous claims being made regarding all night locks-ins. Mr HUNT assured that this would be actioned as a priority through Mr Richard NORTON at ENTERPRISE INNS. Mr HUNT also stated that he had two of his company managers, Richard BROWN and Ben DYLLOR, who would also be covering the premises during the world cup football matches that were being shown at the venue. Miss SCOTT had initially completed the Borough Event Planner Risk Assessment proforma stating that the premises would not be using polycarbonate or plastic cups. Mr HUNT assured the police that plastic cups were on order and being delivered on 10TH JUNE. Mr HUNT expressed his long term plans to secure the freehold of the premises and to convert it into a food-based venue. He then assured both the police and local authority that he would submit a comprehensive business action plan prior to the commencement of the World Cup thus enabling better confidence in their operation. Mr HUNT submitted the following e-mail;

"The following has been put into place since our meeting earlier today:
The pub is no operating challenge 25
There is various notices around the pub about zero tolerance towards drugs and police will be notified if this is broken.
Sign's are up to tell customers to leave the premises quietly so not to disturb our neighbors.
Alcohol refusals policy & log
Drugs policy & awareness
Authorisation sheet for all staff to be authorised to serve alcohol by the DPS.
If there is anything you need please do not hesitate to contact me."

As a result, I contacted Mr HUNT and informed him that this was not sufficient. He claimed that he had yet to obtain authorisation from ENTERPRISE INNS to sanction the installation of CCTV and it was highly unlikely that it will be in place prior to England's first world cup match on Saturday 11TH JUNE 2010. I informed both Mr HUNT and Mr NORTON that if, having failed to satisfactorily implement the recommended measures, there were any further management issues over the coming weeks, there was a strong likelihood of the police submitting an application seeking a review of the premises licence. I advised my Licensing Inspector, Mick BATES, of the situation and periodical high visibility uniform visits were conducted over that weekend. Messrs HUNT and NORTON were also advised of the police intention and that failure to control the customers - especially during any police visits (some of the local customers are not renown for their pro-police attitude) would constitute a failure by the management. (Crimint entry KDRT00245878 refers)

On 10TH JUNE 2010, I once again spoke with both Mr Richard NORTON, representing the premises licence holders, ENTERPRISE INNS, and Mr HUNT voicing continued police concern at the apparent lack of competency on the DPS, Miss SCOTT. Despite the police advising that they did not have confidence with her management qualities or demeanour, both Messrs NORTON and HUNT insisted that she was capable of running the SAXON HORN together with the additional measures that they would introduce. Mr HUNT assured the police that additional managers would be working at the premises at the weekend and plastic containers would be introduced for the world cup football matches. A suitable CCTV system was also promised. This requirement was also designed to protect the premises licence holders and the DPS against any frivolous or vexatious accusations. One of the recurring complaints has historically been the unreasonable and unacceptable after

Signature: Signature witnessed by:

Continuation of Statement of

hours drinking and noise nuisance at the premises. Again, both HUNT and NORTON were aware of the police concerns around this complaint. Even Miss SCOTT had been previously warned of this twice and in the current climate advised that any private entertaining would be better conducted in the privacy of her living quarters and not in the bar. Miss SCOTT had readily accepted this advice at the RAINHAM SAFE & SOUND meeting on 3RD JUNE 2010. Messrs NORTON and HUNT had offered to advise the police of their findings when having the bar pumps checked to support or refute the after hours claims. This report has to date not been forthcoming as promised. Likewise no update, written or otherwise has been received regarding the installation of a CCTV system that satisfies Home Office guidelines. Assurances were given to the police that the arrival of the DPS's boyfriend, Lee CASWELL, would provide stability & ease a lone female's vulnerability at the premises.

Over the weekend commencing 11/06/2010 the police received five calls recorded on CAD.

- CAD 2082 0326hrs 12/06/2010
- CAD 2192 0344hrs 12/06/2010
- CAD 2207 0347hrs 12/06/2010
- CAD 772 0050hrs 13/06/2010
- CAD 11979 2319hrs 13/06/2010

These calls included fifty plus fighting at 1AM and upon arrival of police there were still several people in the bar. There was an anonymous allegation at 4AM suggesting that the DPS was aware of drugs abuse taking place on the premises & police were called by the DPS to a domestic dispute where her now ex-boyfriend, CASWELL, was refusing to leave the premises.

On 15TH JUNE 2010 at 9AM, I spoke with both NORTON and HUNT and informed them that the police no longer had any faith in the Miss SCOTTs abilities to manage the premises safely and satisfactorily. With another England football match due to take place on Friday 18TH JUNE 2010, serious consideration would be given to advising the police SMT accordingly with a view to seeking a closure order of the premises to prevent disorder and nuisance. Both men have been advised that their assurances of a satisfactory CCTV system being installed, an absolutely no glass policy and the installation of an experienced and responsible DPS by Thursday 17Th JUNE 2010 was imperative if they were to convince the police that ENTERPRISE INNS had any intention of taking all necessary steps to address the promotion of the licensing objectives. (KDRT00246008)

On Thursday 17TH JUNE 2010 at 3PM, I had still not received any contact from either Mr NORTON (ENTERPRISE INNS), Mr Jonathon HUNT, or indeed the DPS Laura SCOTT, regarding the management proposals and additional steps that they intended to take to promote the licensing objectives prior to Englands next world cup match on 18TH JUNE 2010. Both Messrs NORTON and HUNT were fully aware of police concerns and yet had not responded. Mr NORTON's mobile phone continually went to voicemail. I left a message for him to contact me and he was advised that a closure notice was being considered following no response to the police concerns. The same message was passed to Mr HUNT and he returned a call at 4PM. When asked what additional steps had been taken, Mr HUNT stated that CCTV was in the process of being fitted that afternoon. He stated that Miss SCOTT had been given written notice but he was retaining her as the manager as he "couldnt make her homeless". The Licensing Officer advised that police concerns related to the ineffective management at the venue. I re-iterated why there was the need for an experienced manager with robust policies to be employed. It did not necessarily require him to sack Miss SCOTT if he had welfare concerns or was satisfied with her performance. Mr HUNT stated that it was imperative that the premises remained open to cover the football matches under any circumstances and intimated that a voluntary closure being offered was not an option. I expressed my disappointment at the fact that absolutely no contact or updates had been received in the circumstances. Mr HUNT wanted to challenge what grounds police could use to apply for a closure notice and was advised of the five calls received in the wake of last weekend's events. He was advised to provide police with a full and comprehensive action plan detailing the additional steps he was taking to safeguard the premises, customers and local residents potentially affected by the venue being open. Mr HUNT assured me that this detailed report would be e-mailed to the police that evening. Mr HUNT was advised that consideration was already being given to applying for a closure notice. He was, therefore, clearly aware of what was required of him. (Crimint entry KDRT00246084)

Following the police threat of a closure order being served if standard safety measures were not put into practice, the following e-mail was sent at 8.18PM on 17TH JUNE 2010 by Jonathon HUNT and confirmed in a voicemail left by Mr NORTON.

"Please can you find attached the operating schedule for the Saxon Horn.
 I have also copied the operating schedule on to this email just in case you could not open the attachment.
 Operating schedule for 2010 England world cup games at The Saxon Horn
 The following actions will take place during the opening hours between 2010 England world cup games and the following items will be installed:

1. Whilst the Saxon Horn is open and trading during the 2010 England world cup games ALL drinks will be served in polycarbonate nonic glasses. Which means no glassware will be given to customers before, during and after the game, Which also includes no bottles given to customers i.e. bottled beer, Alco-pops, etc.
2. CCTV has been installed into the premises, which consists of a hard drive, monitor, 13 infrared cameras, Here is a description of the hard drive and locations were the cameras cover:

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Continuation of Statement of

- Hard drive: H.264 DVR 16 multi changer with hard drive and compact disc facility
- Camera 1: covers over the till behind bar server
- Camera 2: Situated above staff door covers across bar server towards side entrance to beer garden
- Camera 3: Covers area over looking bar server towards old toilets and kitchen area
- Camera 4: Covers bar server and ladies toilet door
- Camera 5: Covers full length of bar area in front of bar server on looking to the double fire exit doors leading to beer garden
- Camera 6: Covers side entrance fire exit from inside the bar
- Camera 7: Covers pool table and pool table area
- Camera 8: Covers plasma television and corner near pool table area
- Camera 9: Covers sofa area to the right of the front door entrance
- Camera 10: Covers outside beer garden at the front of the building
- Camera 11: Covers side part of beer garden and gate next to fencing
- Camera 12: Covers side part of beer garden pointing towards doors and covering little part of the gate
- Camera 13: Covers 80% of car park looking across car park and entrance to car park.

The CCTV is on a hard drive recording 24/7 with a limit to 30 days at any one time, It also has a compact disc so you can burn recordings on to disc.

3. During the operating hours throughout 2010 England world cup games management and staff will be checking both male and female toilets every 15 minutes throughout the duration of opening hours and this will be noted and recorded on paper.
4. The beer garden at the front and the side of the Saxon Horn will be policed by the management and staff throughout the duration of opening hours, with management and staff checking every 10 minutes to make sure customers are inside the beer garden at all times and to clear the beer garden area of glasses and litter.
5. During the operating hours throughout 2010 England world cup games there will be 5 members of bar staff, a glass collector, and manager at all times. With bar staff taking turns to collect glasses as well. The manager will be circulating the whole area of the premises inside and out throughout the opening hours.
6. Challenge 25 will be in operation at all times to ensure all persons within the premises are all over the legal age to be drinking within the premises.
7. Staff and management will not serve any alcohol or drinks to any persons that seems to be intoxicated whilst in the premises and they will be asked to leave. There is an alcohol refusals log on the premises which is filled out in such a case. If the customer refuses to leave, only at the sign of turning violent or abusive will we call local police to object them from the premises.
8. During and throughout the 2010 England world cup games the manager and staff will stop serving alcohol and all drinks at 23:50 to help clear the premises quicker than closing at midnight. This will help us clear the area quickly and quietly.
9. Taxis will be ordered to the premises at the request of the customer. While just before closing time the manager will organise between 5 and 7 taxis to be waiting outside from 23:50 so that people can leave the area quickly and quietly so not to disturb neighbors.
10. All live entertainment i.e. jukebox, band, dj, etc will be turned off by 23:50 after all 2010 England world cup games so it will make it easier for the management to empty the premises when the bar closes at the same time.

Please do not hesitate to contact me.
Jonathan Hunt"
The Police Licensing Inspector, the RAINHAM & WENNINGTON Ward SNT and Paul JONES were copied in on the memo and made aware of Mr HUNT's latest proposals to run the premises to acceptable & expected standards. (KDRT00246118)

I was later made aware by PCSO Raymond BOWERS, that on Thursday 24TH JUNE 2010 at 1.20AM there were approximately twelve people still in the bar area of the SAXON HORN Pub. Despite the blinds being drawn part of the bar area was still lit and the people were clearly visible at the bar. (Crimint entry KDRT00246286)

On 23RD JUNE 2010, the Borough Crime Prevention Design Advisor (CPDA), PC Donal NOLAN, attended THE SAXON HORN pub at my request to inspect the CCTV system. He met with Jonathan HUNT and the DPS, Miss Laura SCOTT. It was PC NOLAN's professional opinion that the CCTV system in its current form was not fit for purpose. Its operation was not compatible with accepted good practice, or realisation of the four licensing objectives. (see attached report dated 28/06/2010)

Likewise, on Friday 25TH JUNE 2010 at 11.40PM, officers from the RAINHAM & WENNINGTON SNT attended the pub to advise the management of the possibility that the premises may be the target for a robbery that evening (CAD 6808) The marked police vehicle was parked in LAMBS LANE NORTH opposite the pub and officers entered the premises. Whilst looking for the DPS, officers noticed numerous local youths in the premises all who are known to be under eighteen years of age. The DPS was located and spoken to in private with comprehensive words of advice with regards to the possibility of a robbery taking place. On leaving the public house and returning to the police vehicle it was discovered that a glass bottle had been thrown at the vehicle and had struck the drivers door causing a small dent about four inches square in area. The vehicle was outside of the area covered by CCTV and there were no apparent suspects apart from the forty or more people jeering and catcalling from the garden area of the pub. CRIS 5410326/10 refers to the criminal damage sustained. (KDRT00246330)

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Continuation of Statement of

On 26TH JUNE 2010 at 12noon, PCSO Bradley WILLIAMS (RAINHAM & WENNINGTON ward SNT) reported that he received a phone complaint claiming that local residents were angry that the Saxon Horn pub was regularly playing music until 1AM & that drinks were being served until the early hours. It was also alleged that undesirable characters were frequenting the area causing a noise nuisance throughout the night and into the early hours of the morning (Crimint entry KDRT00246340).

I was also made aware of an 'intrusive and clearly audible noise' complaint received later that same day at around 11.40PM and that was subsequently reported to me in a signed statement dated 30th June by LBH Health & Safety Officer John GILES. As a result, on 5TH JULY 2010, I was provided with a copy of a Noise Abatement Notice served on ENTERPRISE INNS LTD and in person to the DPS, Miss Laura SCOTT, by LBH Pollution Officer Marc GASSON. (see attached copy)

On Monday 19TH JULY 2010, I received the following e-mail communication initially sent to Paul JONES LBH Licensing Officer relating to THE SAXON HORN pub. Once again the complaint related to alleged after hours drinking and the associated anti-social behaviour and noise nuisance caused by patrons inside the pub and when leaving premises.

"Dear Sirs,
Could you please inform me of the exact licensing hours for the above named public house, and how I go about putting a complaint in against it. Over the last few months this pub has been staying open way after eleven o'clock with the doors wide open and the noise that comes from the pub until approximately one o'clock in the morning is horrendous, surely it is the landlords responsibility to make sure that its customers leave the premises as quickly and as quietly as possible at the end of its licensing hours. I am also led to believe that the landlord or their staffs are supposed to remove any glasses or unfinished drinks at the end of the licensing hours? In a residential area surely the licensing hours should be until 11 and all music should then finish. Could you please get back to me as soon as possible on this? Also I would like to stress how many teenagers use this pub and the dealing of drugs which goes on. Thank you." *Name and telephone number supplied*
On 19TH JULY 2010, I contacted the gentlemen to establish the sincerity of his complaint. (KDRT00247036)

Throughout all dealings relating to The SAXON HORN in 2010, I have always extended the offer to work in partnership with the management in an effort to support good business practice and allay local concerns. Key to this partnership succeeding was the need for the management to communicate with the police if they were experiencing any operating difficulties. The last communication I received from anyone connected with the pub was on 17TH JUNE.

Signature: Signature witnessed by:

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(when completed)

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Height: Ethnicity Code:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the leaflet 'Giving a witness statement to police --- what happens next?' Yes No
- c) I consent to police having access to my medical records in relation to this matter: Yes No N/A
- d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable) Yes No N/A
- f) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:

Statement taken by (print name):

Station:

Time and place statement taken:

Signature of witness: