

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 24 October 2013

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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

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| <p>A1</p> | <p>REVIEW OF THE PREMISES LICENCE FOR THE BUDDHA LOUNGE 36-38 NORTH STREET, ROMFORD RM1 1BH</p> | <p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Buddha Lounge 36-38 North Street Romford Essex RM1 1BH</p> <p>DETAILS OF APPLICATION</p> <p>Application for a review of the premises licence by the Metropolitan Police Service under section 51 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT Police Inspector Maxine Blackledge For and on behalf of the Metropolitan Police Service, Romford Police Station, 19 Main Road, Romford, Essex. RM1 3BJ</p> |
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| | | <p>1. Grounds for Review</p> <p>The Metropolitan Police (MPS) submits this application to review The Buddha Lounge premises licence, numbered 2141, in accordance with the provisions of s.51 of the Act.</p> <p>In line with s.51(3)(a) of the act the licence holder and other Responsible Authorities were informed of the application on the 5 September 2013.</p> <p>2. Requirements upon the Licensing Authority</p> <p>The provisions of s.51(3)(b) of the Act dictate that the Licensing Authority undertakes certain functions with regard to an application made under this section. The Licensing Authority installed appropriately worded public notice advertising this application at the premises, at Havering Town Hall and on Havering’s website inviting interested persons and responsible authorities to make representations against, or in support of, the application in accordance with appropriate premises licence regulations 38 and 39.</p> <p>When determining an application for a premises licence review made under s.51 of the Act requires that the relevant Licensing Authority holds a hearing to consider the application and any relevant representations made. During the hearing the Licensing Authority must take any of the following steps it considers necessary to promote the licensing objectives. These steps are:</p> <ul style="list-style-type: none"> (a) to modify the conditions of the premises licence (b) to exclude a licensable activity from the scope of the licence (c) to remove the designated premises supervisor from the licence (d) to suspend the licence for a period not exceeding three months (e) to revoke the licence <p>3. Promotion of the Licensing Objectives</p> |

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| | | <p>The review had been requested in order to promote the licensing objectives as shown below</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • The prevention of public nuisance • Public safety <p>4. Details of Review Application</p> <p>The Chief Officer of the Metropolitan Police</p> <p>Police had initially sought the reduction of the closing time on Monday-Thursday from 0200 to 0100, Friday from 0400 to 0200, Saturday from 0500 - 0300 and Sunday from 0230 to 0130. Christmas day, Boxing day and New Years Eve from 0500 to 0300. Police also sought the removal of 04.00 finish time on the day following on Sundays preceding each May, Whitsun and August Bank Holiday.</p> <p><u>BACKGROUND</u></p> <p>The Police had received numerous complaints of violence and anti-social behaviour recorded directly against the premises. A number of crimes had also been recorded showing the premise as the venue.</p> <p>Police informed the premise of concerns regarding levels of violence on 29th January 2013 and 2nd April 2013.</p> <p>5th JANUARY 2013 at 02:06 ABH VIOLENCE Cris - 5400218/13 - Male called police stating to have been assaulted by a black doorman working at BUDDHA LOUNGE. On arrival police spoke to victim who stated he had been thrown out of the venue and his mate victim 2 had been punched. Victim 2 was clearly suffering a facial injury to the nose with blood over his face, his nose appeared out of place and he was very unsteady on his feet. According to victims they</p> |
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| | | <p>were assaulted by Door staff as they were ejected from the venue.</p> <p>26th JANUARY 2013 at 01:55 COMMON ASSAULT VIOLENCE - 5401318/13 - Victim was dancing on the dance floor. Suspect/s seemed to have a problem with him as they started bumping into him and pushing into him. He attempted to try and pacify things stating he didn't want any trouble. One of the males punched him on his left cheek. He did not see it coming and fell to the floor, got up and ran away, he bumped into door staff and explained what had happened. He then called police.</p> <p>15th FEBRUARY 2013 at 01:15 ABH VIOLENCE - 5402513/13 - On police arrival Suspect was being detained by door staff. Suspect was ejected from the venue as he had become aggressive towards door staff after they told he could not smoke inside the venue. He asked for the manager. Victim told Susp he was the manager but Suspect refused to believe him and tried to get back inside the venue and started swearing at everyone. Victim tried to eject the male again he started to lash out with his fist and punched victim in the face causing swelling and bruising to her eye and nose.</p> <p>24th FEBRUARY 2013 at 04:10 GBH VIOLENCE - 5402952/13 - Police were called to the scene by Mercury CCTV who stated that there was a large fight outside venue. Caller stated approximately 20 males fighting all wearing dark clothing. Upon arrival of police at the scene victim was laying on the floor being seen to by door staff from venue. Victim was not responsive and had been placed in the recovery position on the floor. Witnesses were spoken to and they all state they were in the street outside BUDDHA LOUNGE after it had closed when they saw two groups of males, approximately 20 in total, come from two directions and surrounded Victim, who then ended up on the floor and appeared to be kicked in the head. Victim states he was in venue before the assault. He was not involved in any incidents in the club.</p> |

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| | | <p>1st APRIL 2013 at 03:20 ROBBERY VIOLENCE - 5404837/13 - Victim left venue and walked to the bus stop on ST EDWARDS WAY (NORTH STREET Stop) whilst waiting suspects 1 and 2 have approached from an unknown direction. Suspect 1 has grabbed the shoulder bag of VIW1. When victim has tried to resist he has punched her a number of times in the left arm and shoulder until she releases the bag. Suspect 2 sat next to victim 2 and tried to grab her bag but grabbed her coat instead.</p> <p>6th APRIL 2013 at 04:00 ABH VIOLENCE - 5405085/13 - Incident outside of Buddha lounge where male victim is approached by a group consisting of two females and a male, group invade victims personal space and he is then seen to push out, victim walks off and one of the females is seen to run and jump on his back prior to punching him. Victim is then seen to punch the female knocking her to the floor before being chased by the other male who pushes him. Victim had visible injuries, a minor graze to the left forehead, grazing on his forearms and complained of a sore left jaw. This investigation is ongoing.</p> <p>12th MAY 2013 at 02:55 ABH VIOLENCE - 5406945/13 - Suspect punched victim in face over an argument about contact with his sister. Suspect made off and arrested by police. Victim was punched on the chin and fell unconscious but no lasting injuries. Assault took place whilst victim was directly outside the venue; it is believed he was inside prior to the assault taking place.</p> <p>25th MAY 2013 at 04:07 ABH & MINOR WOUNDING VIOLENCE - 5407588/13 Argument occurring between 2 parties inside Buddha lounge by cloakroom when leaving and getting coats. Argument then spills out onto foot path and then to subway area and male hits female victim. Suspect admits to being in Buddha and WAS VERY DRUNK. Female victim had bloody nose and swelling on her cheek.</p> <p>26th MAY 2013 at 01:40 ABH & MINOR WOUNDING VIOLENCE - 5407631/13 Two male</p> |

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| | | <p>suspects shout and swear at door staff, believed to be due to previously being barred from the location. Male suspect strikes door staff on the side of the face leaving left eye bloodshot, bruised and swollen. Suspect ran off but caught by police. CCTV from Buddha Lounge doesn't capture incident.</p> <p>8th JUNE at 01:15 ROBBERY VIOLENCE - 5408339/13 Victim was at the venue on the roof terrace smoking when he felt a yank from behind and then noticed his chain had been stolen / taken no suspect seen and no injuries. The matter is reported to staff and in temper the victim punches the door and is then asked to leave the venue. The victim was questioned re false reporting but is adamant on the facts given and states the chain was yanked from his neck.</p> <p>23rd JUNE 02:00-03:00 GBH VIOLENCE - 5409220/13 Victim and friend were out at venue, they attended the smoking area to have a cigarette. When victim stood up from sitting down to return to the club Suspect has struck Victim in face for no apparent reason. Hospital completed an X-Ray and found victim had a shattered cheek bone and would require surgery to re build. *Reported on Monday 24th June 2013 @ 1500hrs by Victim to police. No emergency services called on evening by the club</p> <p>21st JULY at 02:37 ABH VIOLENCE - 5410681/13 Police were called to the Buddha Lounge by mercury CCTV to a disturbance at the venue. The Victim had left the venue around 0240, as he leaves he bumps into large group of other males, for reason unknown suspect takes a swing at victim and breaks his nose causing him to run straight back into club for protection, the group are pointed out to police and suspect is identified by door staff as person who punched victim male is then arrested .Queens A & E later confirm a broken nose re the injury to victim.</p> <p>21st JULY at 03:50 ABH VIOLENCE - 5410680/13 Victim and her friend attended Romford front office early hours today to make a report of an attack that happened to her at BUDDHA</p> |

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| | | <p>LOUNGE in Romford. Victim states she does not want to report the allegation but her friends push her down to the Police Station to make a report. She states that while she was with her friend an unknown girl approached her and started crying on her shoulder that her boyfriend want to leave her to go to France. *****No full details of the crime report yet as the VIW1 was crying that she wanted to go home and that she was tired and she needed a sleep. *****Spoke to Nadia and she stated that the attack took place in the street once parties had left the club in the area of Kosho.</p> <p>Inspector Blackledge explained that the Police had had growing concerns with the unacceptable levels of violence that had been occurring in and around the premises. Inspector Blackledge confirmed that PC Fern had previously contacted Mr Fletcher – the previous premises licence holder – to draw up an action plan to deal with the problems that were occurring at the premises but this plan had missed its target date and the Police still had concerns regarding the management of the premises.</p> <p>Inspector Blackledge confirmed that a previous Designated Premises Supervisor (DPS) suggestion had been refused by the Police on the grounds that the applicant was not considered suitable to manage the premises.</p> <p>Inspector Blackledge also confirmed that several discussions had taken place between PC Rose and Mr Phipps of TLT Solicitors to agree a set of conditions that would be added to the premises licence to ensure more efficient running of the premises in the future. Police had agreed that these conditions would allay their concerns in this matter, and read out the agreed conditions. A written copy was also placed before the Sub-Committee.</p> |

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| | | <p>5. Details of Representations</p> <p>The following Responsible Authorities submitted no representation:</p> <p>London Fire & Emergency Planning Authority (“LFEPA”) – None</p> <p>Health & Safety Enforcing Authority - None</p> <p>Planning Control & Enforcement – None</p> <p>Children and Family Services– None</p> <p>The Magistrates Court – None</p> <p>Representation from Interested Party – None</p> <p>A further representation was received from an interested party. Mr Phipps, of TLT Solicitors, who represented Freetrade (Romford) Ltd; the long lease holders of the premises. He concurred with Police that there were clear grounds for concern that the 3 licensing objectives were not being promoted.</p> <p>Response of the Applicant</p> <p>Mr Phipps confirmed that the premises licence had been transferred to his client, Freetrade (Romford) Ltd, on the 15 October 2013.</p> <p>Mr Phipps confirmed that his clients had expressed their concerns over the previous</p> |

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| | | <p>management of the club and that he had engaged in several discussions with PC Rose to determine a set of conditions that could be applied to the premises licence to ensure that there would not be a repeat of the issues of violence and theft that had previously taken place.</p> <p>Mr Phipps confirmed that his clients proposed no challenge to the Police’s concerns and that the conditions proposed by the Police were appropriate and proportionate.</p> <p>The sub-committee was also advised that it had been difficult to find a new DPS for the premises with the review hearing yet to have taken place.</p> <p>Mr Phipps confirmed that his client would operate the premises for the time being until an appropriate premises licence holder and DPS, to be approved by Police, could be put in place.</p> <p>6. Determination of Application</p> <p>Consequent upon the hearing held on 24 October 2013, the Sub-Committee’s decision regarding the review of a premises license for The Buddha Lounge, 36-38 North Street Romford is set out below, for the reasons shown:</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>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.</p> |
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| | | <p>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.</p> <p>Decision:</p> <p>The Sub-Committee considered it appropriate for the promotion of the licensing objectives to modify the licensing conditions by adding all of those agreed between the Police, and the current premises licence holder, which had been placed before the Sub-Committee at the hearing.</p> <p>The modifications to the premises licence are as follows:</p> <ul style="list-style-type: none"> • Subsequent to the review on 24 October 2013 new applicants for DPS and Premises Licence to be submitted to the Police for their approval giving prior notice and allowing time for background checks to be completed. • Friday – the premises opening hours to be reduced by 30 minutes (04.00hrs to 03.30hrs) • Saturday – the alcohol sales to be reduced by 30 minutes (04.30hrs to 04.00hrs) and the premises to close 30 minutes earlier (04.30hrs and not 05.00hrs) • Mondays and Tuesdays licensable activities to cease at 00.00hrs and not 02.00hrs as present, except where these days fall between the 19 December and 30 December then 02.00hrs to remain • Mondays and Tuesdays closing time at 00.00hrs and not 02.00hrs as present, except where these days fall between the 19 December and 30 December then 02.00hrs to remain • Last admission to the premises no later than 1 and a half hours before closing time • The premises shall oblige customers to deposit overcoats and outdoor clothing (but |
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| | | <p>not jackets/blazers etc) in the cloakroom on arrival. Similarly, all bags (but not lady's handbags) shall be deposited within the cloakroom upon arrival. Such customers that are unprepared to comply with these requirements will not be granted entry to the premises</p> <ul style="list-style-type: none"> • A dispersal policy is to be agreed with Police in order to minimise noise on departure is all agreed • Scan Net initiative (or such like) to be installed and become a condition of entry into the club by 15 December 2013. No entry unless identified via Scan Net (or such like) <p>7. Right of Appeal</p> <p>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 <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 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. <p>Richard Cursons Clerk to the Licensing Sub-Committee</p> |
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