

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
4 April 2014 (2.30 - 4.00 pm)**

Present:

COUNCILLORS

Peter Gardner (Chairman), Denis Breading and Linda Trew.

Councillor Pat Murray, Ward Councillor attended as an observer.

The Chairman reminded Members of the action to be taken in an emergency.

Present at the meeting were Stephen Thomas, Solicitor (representing the Premises Licence Holders), Mrs Anne Cubitt and Mr Jim Cubitt (Premises Licence Holders), Mt Louis Molloy, customer of The Alderman, PC Jason Rose, representing the Metropolitan Police and Paul Jones, Licencing Officer.

Also present were the Legal Adviser and the Clerk to the Sub-Committee.

1 THE ALDERMAN, CHIPPENHAM ROAD, ROMFORD, - APPLICATION FOR AN EXPEDITED PREMISES LICENCE REVIEW.

DETAILS OF APPLICATION

We have considered an application for an expedited premises licence review submitted by the Metropolitan Police under section 53A of the Licensing Act 2003 ("the Act") in respect of The Alderman, Chippenham road, Romford, RM3 8HX.

APPLICANT

PC Jason Rose, on behalf of the Chief Officer of Police,
Metropolitan Police Service,
19 Main Road,
Romford,
Essex.
RM1 3BJ

1. Details of existing licensable activities

Films, indoor sporting events, live music, recorded music, anything of a similar description to live or recorded music, supply of alcohol.		
Day	From	To
Monday to Saturday	10.00	23.30
Sunday	11.00	23.30

2. Grounds for an Expedited Premises Review

The application for an Expedited Premises Licence review had been served under section 53A of the Licensing Act 2003 under the grounds that a senior member of the police force had provided a certificate stating an opinion that the premises are associated with serious crime and disorder. The application stated that a serious incident had occurred at the premises on Monday, 31 March, 2014.

3. Requirements upon the Licensing Authority

Under the provisions of section 53A(2)(a) of the Licensing Act 2003, within 48 hours of the receipt of the application, the Licensing Authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and also consider whether it is necessary to take interim steps. This Sub-Committee has been called to meet this requirement.

Section 53B(3) requires that the licensing authority must consider whether to take the following interim steps:

- a) The modification of the conditions of the premises licence;
- b) The exclusion of the sale of alcohol by retail from the scope of the licence;
- c) The removal of the designated premises supervisor from the licence; and
- d) The suspension of the licence.

4. The Chief Officer of the Metropolitan Police

The Metropolitan Police had advised that on Monday, 31st March, 2014 a serious incident had occurred at The Alderman. Two persons were involved in the incident a 19 year old male and a 42 year old male.

The two suspects were known to each other as both drank at the venue on a regular basis. On the evening in question one of the two men was robbed of his money by the other and in retaliation he had been slashed across the face and received a puncture wound through his nose into the roof of his mouth. Both parties had been charged with offences.

The Police maintained that the premises had a clear history of clientele who were in possession of or prepared to use weapons. This latest incidence had been of a very serious nature involving a knife and could have led to more serious, if not fatal injuries. The fear of retribution for the suspect and indeed the venue remained extremely high. The 42 year old male's family had contacted police to request that their son remained in custody as they feared for his safety.

It was for these reasons that the Metropolitan Police were seeking the immediate suspension of the premises licence.

Further details of the events leading up to the stabbing were provided which included evidence taken from the CCTV at the venue.

The 42 year old male, who had been described as drunk by the officers who had responded to the 999 call, had made the call himself because he feared retribution.

The police had concern in relation to the amount of alcohol served to the suspect during the evening. The suspect, by his own admission, stated he had consumed too much alcohol to fully recall events the next day. Employees did not identify any flash points between the two males that led to the violent incident.

At the time of this meeting it was unclear who had called the Ambulance Service to help the stabbed victim. The only call to the police was from the suspect himself.

Details of four other incidents were provided. Of these, three were incidents of assault, two of which occurred after 7.00 pm, the other incident was theft by a former Bar Manager.

Police had also identified a lack of due diligence by the venue operators on recent visits. This had led to the issuing of a warning letter identifying the alleged breaches. These had not yet been addressed. The premises licence holders live in Ireland and the DPS also ran another premises, which Police had told her was not feasible. On PC Rose's last four visits, the DPS had not been at the premises. The Police saw this as an irresponsible attitude to the licensing objectives.

The Police Safer Neighbourhood Team had reported that it was the clientele running the pub, and not the owners. The Police were also concerned that retribution was a real issue, the victim of the stabbing on 31 March 2014 was allegedly "highly regarded in the travelling community".

5. Response from the Premises owners.

Stephen Thomas, Solicitor responded on behalf of the premises owners, both of whom were in attendance.

Mr Thomas had sought confirmation as to whether there had been any problems with underage sales. Officers had confirmed that there had been no other incidents.

His clients maintained that all the incidents of violence had involved members of the travelling community who were not regular customers at the venue. In most incidents they only attended the venue after 7.00pm.

With regard to the letter, his client had never received this. PC Rose advised that copies had been provided to both Mr McIlroy, the previous Bar

Manager and the current DPS Jane Phillips. A copy had also been sent to the address in Ireland.

His clients had only received the papers at 3.00pm the day before the hearing. They were so concerned that they had flown back from Ireland to attend. They had caught the 6.30am flight this morning. He himself had only been instructed at 6.00pm last night. Despite this his clients had been able to provide a full statement a copy of which had been provided to the Sub-Committee.

Under section 53(A)(1)(b) a senior officer of the police was required to give a certificate that in his opinion the premises were associated with serious crime or serious disorder or both. In Mr Thomas' opinion this certificate had been wrongly issued. His clients had run the premises for 18 years and there had been no problems until this past year.

This was the first time anyone had raised any concerns. It was wrong to suggest that his clients were not involved with the running of the premises. Mr Cubitt flew back from Ireland several times a month to check on how things were going. During school holidays, Mrs Cubitt was there on a regular basis.

His clients had every confidence in their DPS Miss Phillips and had always co-operated with the police, for instance in the matter of drug testing and going so far as to close the premises at 7.00pm for a week on a previous occasion.

This was a fantastic local pub, serving the local community. It didn't do late nights and only on rare occasions provided live entertainment.

For years they had benefitted from two excellent managers. More recently there had been issues. Mr Cummins left and was replaced by Mr McIlroy. He had seemed a good fit but had stolen money from the premises. It was likely that any correspondence he had received concerning problems had been destroyed and not passed on to the Cubitts.

Following the departure of Mr McIlroy they had appointed Miss Phillips as DPS, and she was experienced. They ensured those staff who worked the longer hours were given the opportunity to become personal licence holders.

There was no doubt that what happened on Monday night was serious. There had been a robbery on the premises. The reaction took place outside the premises. The police had a fear of retaliation, but the Cubitts would exclude those involved, and their families, from the premises.

The emergency services had been called by Mr Kent. He had called the Ambulance Service, but had not called the police because he was of the belief that with this type of incident the Ambulance Service would notify the

Police. Mr Kent had also looked after the victim until the Ambulance Service arrived.

The issues identified in the letter dated 14 October, 2013 could easily be addressed. The information was available at the premises; it was disappointing it had not been provided to the Police as requested.

His clients recognised the need for strong management. They had been let down by their DPS. To address this problem Mr Cubitt would assume the role of DPS immediately, and he would live on site.

To allow matters to settle down. They were prepared to close the premises immediately and re-open on Tuesday. From Tuesday until the formal review hearing they would close the premises at 7.00pm.

Mr Cubitt and the two female members of staff who had passed their Personal Licence test had been booked on the DPS course to start on 14 April.

On Friday and Saturday nights they would employ door supervisors.

The people involved in all the incidents were not regulars; they tended to be members of the travelling community. This was a local pub serving the local community. It was predominantly a daytime trading pub, and did not experience trouble in the daytime hours.

Mr Thomas suggested that the suspension of the premises licence pending review would not constitute a proportionate response to this issue, and had suggested that the conditions as set out by his clients would be sufficient.

Mrs Cubitt then addressed the Sub-Committee, and stated that they had owned and managed the premises for 18 years, and it was a great little local pub. She had seen the CCTV footage of the incident and did not recognise those involved. The hassle was only at night time, and was strangers (not their regulars/locals). She accepted the management had been poor over the last year, but that could be addressed. Prior to that, all was running well.

Response of the Metropolitan Police

PC Rose advised that he was only able to provide crime figures for the last 12 months, so could not confirm that the premises had a trouble free history.

He had accepted that there had been no trouble since Monday, but had contended that this was probably because both parties involved were still in custody.

It was still the case that the clientele were comfortable taking weapons in to the premises and were prepared to use them. The Police remained very concerned at the possibility of retribution for the most recent incident. The

information they had received was that the two men involved were known to each other and were regular visitors to the premises.

Whenever he had visited the premises the DPS Miss Philips was not present. This might be because she was also the DPS for the Saxon King, another local pub.

6. Determination of Application

Consequent upon the hearing held on 4 April, 2014, the Sub-Committee's decision regarding the expedited review of a premises license for The Alderman, Chippenham Road, Romford is 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.

Decision:

Under Section 53A of the Licencing Act 2003a senior police officer can make an application where he/she was of the opinion that the premises were associated with serious crime or serious disorder or both. This had clearly been demonstrated in this case.

The Sub-Committee could not disagree that the incidents described were very serious.

The police evidence, accepted by Mr and Mrs Cubitt, was that management of the premises over the last year had been almost non-existent. As the premises licence holders the responsibility for monitoring the management and responding to the serious issues that the Sub-Committee had heard about at the hearing remained entirely with them.

Given the serious nature of the incidents and the strong potential for further incidents of violence as set out by the Police, we were minded to accept the Police request and the Sub-Committee **agreed** to suspend the Licence with immediate effect and until a full review could take place.

Licensing Sub-Committee, 4 April 2014

A date has been set for the review, being the 25th April, 2014, commencing at 10.30am.

Chairman