

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 28 April 2016

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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

<p>A1</p>	<p>BRADWELL'S BAR, 137-141 SOUTH STREET ROMFORD, RM1 1PL - REVIEW OF PREMISES LICENCE</p>	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Bradwell's Coffee and Bar, 141 South Street, Romford, RM1 1TE</p> <p>DETAILS OF APPLICATION</p> <p>Application for a review of the premises licence by the Metropolitan Police under section 51 of the Licensing Act 2003 ("the Act").</p> <p>APPLICANT PC Belinda Goodwin, On behalf of the Commissioner of the Metropolitan Police Service, Romford Police Station, 19 Main Road, Romford. RM1 1BJ</p> <p>1. Details of existing licensable activities</p> <p align="center" style="border: 1px solid black;">Film, Live Music, Recorded Music, performance of dance, anything</p>
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		<table border="1"> <thead> <tr> <th align="center" colspan="3">of a similar description to music or dance, supply of alcohol.</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday</td> <td align="center">09.00</td> <td align="center">02.00</td> </tr> <tr> <td>Sunday</td> <td align="center">12.00</td> <td align="center">02.00</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th align="center" colspan="3">Opening Hours</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday</td> <td align="center">09.00</td> <td align="center">02.30</td> </tr> <tr> <td>Sunday</td> <td align="center">11.30</td> <td align="center">02.30</td> </tr> </tbody> </table> <p>2. Grounds for Review</p> <p>The application for a review of the Premises Licence had been served under section 51 of the Licensing Act 2003 under three grounds:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The protection of children from harm. <p>The application for review stated that Bradwell’s was a public house which was failing to promote at least three of the licensing objectives namely, prevention of crime & disorder, protection of the public and preventing harm to children. The police were primarily concerned about the lack of regard the premises licence holders had in the promotion and upholding of the licensing conditions. Additionally it was alleged that errors and breaches of the licence conditions</p>	of a similar description to music or dance, supply of alcohol.			Day	Start	Finish	Monday to Saturday	09.00	02.00	Sunday	12.00	02.00	Opening Hours			Day	Start	Finish	Monday to Saturday	09.00	02.30	Sunday	11.30	02.30
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		<p>existed whilst violence on the site had occurred.</p> <p>3. Requirements upon the Licensing Authority</p> <p>The application was received on 10 March 2016 and the application was advertised on the council’s website and on the notice board in front of the Town Hall. Notice was also posted at the premises. The public notice invited interested persons and responsible authorities to make representations against, or in support of, the application.</p> <p>When determining an application for a premises licence review made after an application under section 51 the relevant Licensing Authority is required to hold a hearing to consider the review application.</p> <p>During the hearing the Licensing Authority may take any of the following steps it considered necessary to promote the licensing objectives. These steps were:</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; or e. To revoke the licence. <p>Where the Licensing Authority takes a step as defined by (a) or (b) above it may provide that the modification or exclusion was to have effect for a specified period not exceeding three months.</p>

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		<p>4. Details of Representations</p> <p>The application for a review had been supported by a representation submitted by the Licensing Authority.</p> <p>Metropolitan Police</p> <p>Rory Clarke, on behalf of the Metropolitan Police took the sub-committee through the evidence presented by PC Goodwin. He acknowledged that these premises were not necessarily the worst in respect of the number of incidents but it was the way management had dealt with these incidents which had led the police to seek a review. The standard of management, their failure to enforce the licence conditions and their failure to safeguard customers was not acceptable.</p> <p>The police had been very proactive in engaging with the owners since they took over early in 2015. It was evident from the evidence that there was a continuing failure to comply with the licensing conditions. The solution therefore was not to impose more conditions, or change the DPS (the premises had had three DPS's in the past year), the current DPS was often not in attendance. The problem was the lack of management, they have shown themselves incapable of enforcing conditions.</p> <p>Rory Clarke then took the Sub-Committee through the various incidents.</p>

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		<p>Sunday, 26/07/2015 02:08hrs.</p> <p>Police had been informed by a member of the public that an incident had taken place within the venue and that a male had been knocked unconscious. Police had attended the venue on the 27 July and viewed the CCTV footage. There had been an altercation leading up to the incident when SIA staff had got involved, but then disappeared.</p> <p>The suspect hits the victim with both fists knocking him to the floor; he appeared to be completely knocked out. As the suspect left the female with him was seen to throw her glass on top of the victim. Staff followed the suspects out of the premises but did not detain them. When asked for a copy of the CCTV footage the police were told that they would have to provide a USB stick. Mr Thompson had been spoken to and recommended to employ another SIA who could remain at the rear of the premises. This advice was not acted upon and neither was a copy of the CCTV footage provided.</p> <p>Monday, 15/08/15 02:30hrs</p> <p>There had been an altercation in the bar and the suspected had stated that he had been thrown out of the venue. The suspect had then attacked the victim, who was just passing the venue, causing cuts and bruising. When police asked Mr Thompson what had happened he had told the police that neither the victim nor the suspect had been in the venue that night. When the Mercury House CCTV was checked he spotted both suspect and victim leaving the venue.</p>

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		<p>Friday, 28/08/15 22:20hrs</p> <p>A heavily intoxicated woman had approached the police and informed them that her 16 year old disabled daughter needed help outside Bradwell's. A member of the public had also approached the police as they were concerned due to the fact that a 16 year old had been allowed to consume alcohol inside the bar. An ambulance had been called who said they believed the girl had been drinking. She had been screaming and kicking on the floor but seemed okay. She was taken to the hospital by ambulance. When Police requested CCTV footage they were told that this was unavailable because footage was only being saved for 21 days NOT 31 days. This was a breach of the licence conditions.</p> <p>Thursday, 29/10/15 17:00hrs</p> <p>On this occasion the suspect had struck the victim in the venue causing the victim to fall and cut his hand on some glass. The suspect had made of from the premises and chased by the police and arrested for GBH. The suspect was seen on CCTV involved in an altercation with two males, neither of whom retaliated. The victim was walking past the premises saw the altercation and attempted to pacify the suspect. The suspect turned around head butted the victim, punched him in the face and kicked him before fleeing the scene.</p> <p>Sunday, 15/11/15 02:10hrs</p> <p>Victims 1 and 2 had entered the premises at around 02:00 purchased some drinks and sat down. Two females were sat at a nearby table and one of the</p>

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		<p>victims spoke to one of the females. The suspect approached the table lent over and spoke to victim one than picked up a glass and smashed it into the face of victim one before waking off to the far side of the club. Door staff detained the suspect whilst bar staff cleaned up the glass and blood before the police arrived. This was contrary to instructions given to licensees regarding maintaining the integrity of the crime scene.</p> <p>Following this incident an urgent meeting was called with the owners to discuss the incident. A list of conditions was agreed with the owners including:</p> <ul style="list-style-type: none"> • A minimum of three SIA staff on Friday and Saturday; • If upstairs in use then a minimum of 5 SIA staff; • A static post at the rear of the bar for SIA staff; • To employ a female member of the SIA staff if possible. <p>Saturday, 27/2/16 approx. 20:35hrs.</p> <p>Two members of the police licensing team attended the venue to conduct a visit. A black male was sat to the right of the entrance on a stool, in a black track suit and a beanie hat. He had on some headphones and was looking at the phone in his hand. There were two pints of lager in front of the SCANNET machine. The male took no notice of the officers who were in plain clothes. There were 5 or 6 people at the bar and they were shouting at each other. PC Goodwin turned back to the black male and asked him if he was door staff. He took out his earphones and she asked him again. He confirmed he was door staff. She identified herself and asked who was in charge. He replied Hollie and then PC</p>

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		<p>Daly asked to see his SIA badge. He got up and said that he was going to get it and disappeared out of the back of the venue.</p> <p>No one else identified themselves to the officers and they observed a male coming out of the toilet swaying and struggling to do up his coat. At that point Hollie introduced herself and said she was in charge. PC Goodwin told her that she and PC Daly had walked in without being scanned and asked where the door staff were. Hollie panicked and said she was new and did not know what to do. Another member of staff went next door to collect Mr Thompson who came in and started to shout at staff. He was asked to produce the SIA book but there were no entries for the 27th February and he explained that it was completed at the end of the day.</p> <p>Hollie was asked who the designated supervisor was and she said Reanne Phillips but she did not know where she was.</p> <p>The meeting viewed a CCTV recording of these events, followed by a recording taken later in the day which showed a woman who appeared intoxicated and at risk. She was seen disappearing out back with a male customer.</p> <p>When the daily register was finally produced on 7 March it showed that Reanne Phillips had only been at the premises for 11 days since 5 December 2015.</p> <p>An additional statement had been provided by the police relating to an incident on Friday, 4 March 2016 at 12:32hrs. Bar staff at Bradwell's had called for police assistance as there was an aggressive female in the premises and he needed</p>

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		<p>help to get her to leave. By the time the police arrived she had left. CCTV footage of this incident was shown to the sub-committee.</p> <p>In conclusion the police had sought the review because of the breach of conditions on Saturday 27 February, the serious assault in November and the complete lack of responsibility that the owners seemed to have for the licensing objectives. In the police’s opinion at least two of the incidents could have been avoided if a member of the door staff had been placed at the rear of the premises. The premises also needed a more structures management team and a Designated Premises Supervisor who was always in attendance.</p> <p>The police had no confidence and felt that revocation of the licence was wholly proportionate, reasonable and appropriate,</p> <p>Licensing Authority</p> <p>Arthur Hunt, on behalf of the Licensing Authority had supported the police in their asking for a review. The Licensing Authority also had concerns about the way the premises were managed and the promotion of the licensing objectives.</p> <p>The police and licensing officers had met the current premises licence holders on the 19 February 2015 to discuss their impending takeover of the premises. They were taken through the requirements of the licence and the expectations of the police and licensing authority were fully explained to them. A follow up visit had occurred on 2 March 2015.</p>

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		<p>The police’s statements detailed a series of events which had caused them to have concerns with regard to the management of the premises following several incidents on site. As a result of these incidents meetings were held with the licence holders at which the Licensing Authority were present.</p> <p>The first meeting dealt with how the premises had dealt with an incident regarding an allegation of alcohol being supplied to an underage disabled child on 28 August 2015. There was a discrepancy to how the events unfolded with a denial by management that they had supplied alcohol to an underage female, however, the premises licence holders had been unable to supply corroborating CCTV to support their position because of a technical failure of the CCTV system.</p> <p>The meeting had sought to tidy up the licence to make it easier to read and with which to comply. As the meeting progressed, and at the management’s own admission, it was clear that the premises was in breach of several conditions. It was pointed out to the licence holders that these were issues which had been raised at previous meetings with police and licencing and that the situation could not continue.</p> <p>A further meeting was held on 17 November to discuss the incident on 15 November when several actions were agreed by the licence holders:</p> <ul style="list-style-type: none"> • A minimum of 3 SIA staff on Friday and Saturday; • If upstairs in use then a minimum of 5 SIA staff; • A static post at the rear of the bar for SIA staff; and

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		<ul style="list-style-type: none"> • Use of female SIA staff. <p>The Licensing Authority understood that these arrangements were not actioned or took an extensive period to implement.</p> <p>5. Premises Licence Holder’s response</p> <p>Mr Jessop responded on behalf of the Premises Licence holders. He did not believe that revocation of the licence was appropriate or proportionate. Mr Hunt in giving his statement acknowledged that there were problems with the premises before his clients took over.</p> <p>It was difficult to justify the claim that there had been a systematic failure of management; you just had to look at the steps they had taken and their general attitude.</p> <p>When they had acquired the premises they had invested heavily in refurbishing the premises. They don’t just pay lip service to the licensing objectives. A more appropriate action for the sub-committee would be to impose some additional conditions.</p> <p>Both the police and Licensing Authority have made reference to the issue of the DPS. Mr Thompson was prepared to take on this role himself. He has considerable experience and would be able to deal with all the issues. He had applied to Barking and Dagenham for a Personal Licence.</p> <p>Prior to Messrs Thompson and Philips taking over the premises there was an</p>

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		<p>incident a day at the premises. Things have improved significantly since they took over.</p> <p>If the Sub-Committee saw fit to impose additional conditions his clients would be happy to take on those suggested by the police and licensing Authority plus accepting a condition requiring toughened glass.</p> <p>Mention had been made of problems with the CCTV. A professional company had been engaged to upgrade the CCTV cameras to high definition and the premises licence holders had every right to expect that a suitable upgrade to the storage capacity would have been implemented. This was not the case and when this was brought to their attention there acted quickly to remedy the situation. The Sub-Committee could be assured that the premises were in good hands.</p> <p>Mr Jessop then talked about the incident on 27 February. His clients acknowledged there had been a failure and the member of staff had been dismissed. Mr Thompson had explained that this person was an experienced SIA operator who he had taken under his wing for 6 weeks at the Goose before employing him to act as door staff at Bradwell's.</p> <p>Mr Thompson and Mr Philips have reviewed the incident critically and look for a way forward.</p> <p>With regard to the incident on 4 March the woman was served a drink, the barman had informed Mr Thompson that it was just a coke. When the barman</p>

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		<p>became concerned he had taken action and called the police who had responded promptly.</p> <p>Looking at PC Goodwin’s evidence it was difficult to claim a systematic failure by management, they were prepared to sit down and discuss problems with the police and the Licensing Authority. They had put forward a range of issues to improve the situation.</p> <p>He then directed the sub-committee’s attention to the incident on the 26 July. The parties involved in the incident had been removed from the premises but police did not attend till the next day. This was incorrect a member of the public had alerted the police to the incident and they had attended. They had offered the victim first aid and called an ambulance to check him out. It was the police licencing officer who had attended the next day. The failure to provide a copy of the CCTV footage when requested was unacceptable.</p> <p>With regard to the underage disabled female there was no evidence to show that she had been served alcohol by bar staff. Evidence seemed to pint to her mother being careless and allowing her to drink from her glass. The issue of the CCTV footage had now been resolved.</p> <p>In response to questions from the Sub-Committee Mr Thompson advised that on the night referred to there had been two issues in the premises. Two male SIA staff were upstairs helping a female who was unwell. The staff who should have been at the rear of the premises had moved to the front of the premises to cover the entrance. Mr Thompson was outside the premises monitoring matters.</p>

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		<p>When Mr Thompson and Mr Philips had taken over the premises they had been in contact with PC Rose the previous Police Licensing Officer and advised him that it would take some time to remove the previous clientele. All those hard drinkers who were previously regulars at the premises no longer visited.</p> <p>Mr Thompson explained that every time they had a meeting with the police and/or Licencing they had made the necessary changes. Unfortunately after the meeting on 29th September their agent Mr Hopkins had failed to feed back to licensing and the police.</p> <p>In response to questions from Mr Clarke Mr Thompson advised that he owned his own security company and was seeing out his contract with the Goose at which time he would be full time at Bradwell's.</p> <p>Mr Philips owned a taxi company but spent some time every day at the premises, especially on Fridays. Reanne, the DPS was in attendance at the premises nearly every day. This was not reflected in the signing in book because she was often remiss and did not sign in. She was no longer acting as DPS.</p> <p>Mistakes had been made. The door staff on the 27 February had let Mr Thompson down. He had panicked when challenged by PC Goodwin and his attention was not on the job because his wife was expecting a baby. He was no longer employed.</p> <p>Hollie had also panicked; she had shown she was too inexperienced to be in</p>

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		<p>charge on a Saturday, she was no longer a supervisor.</p> <p>6. Determination of Application</p> <p>Consequent upon the hearing held on 28 April 2016 the Sub-Committee’s decision regarding the review of the premises licence for Bradwell’s Coffee and Bar, 141 South 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> <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>
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		<p>The Sub-Committee having listened carefully to all of the evidence, including watching the CCTV footage presented by the police was concerned that the management of the premises had failed to uphold the licensing objectives, especially prevention of crime and disorder and public safety over a period of time.</p> <p>There had been non-compliance with the extensive current licensing conditions as set out in the licence, for example CCTV footage not being available on one occasion following a police request, not implementing agreed measures following meetings with the police, and specifically the number and deployment of SIA staff.</p> <p>There appeared to have been confusion as to who was the responsible manager on site on occasions. There has been a general failure to proactively manage the premises, the most recent example being the incident in March.</p> <p>Taking all of these factors in to consideration the Sub-Committee had revoked the premises licence.</p> <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>

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		<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>James Goodwin Clerk to the Licensing Sub-Committee</p>

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