

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 16 May 2016

Agenda Item No	Topic	Decision
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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>APPLICATION AGAINST INTERIM STEPS - CIRCUIT</p>	<p>PREMISES Circuit 36-38 North Street Romford RM1 1BH</p> <p>DETAILS OF APPLICATION</p> <p>Application against the interim step made under section 53A of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 12 May 2016 and the hearing was held on 16 May 2016.</p> <p>APPLICANT Dadds Solicitors On behalf of the Buddha RT Ltd t/a Circuit, 36/38 North Street Romford RM1 1BH</p> <p>1. Details of existing licensable activities</p> <table border="1" data-bbox="952 1177 1912 1390"> <thead> <tr> <th align="center" colspan="3">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 Tuesday</td> <td>11:00</td> <td>00:00</td> </tr> <tr> <td>Wednesday to Thursday</td> <td>11:00</td> <td>01:00</td> </tr> <tr> <td>Friday to Saturday</td> <td>11:00</td> <td>03:45</td> </tr> <tr> <td>Sunday</td> <td>11:00</td> <td>00:30</td> </tr> </tbody> </table>	Supply of alcohol.			Day	Start	Finish	Monday to Tuesday	11:00	00:00	Wednesday to Thursday	11:00	01:00	Friday to Saturday	11:00	03:45	Sunday	11:00	00:30
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		<p>The application stated that the premises “Circuit” was failing to promote at least three of the licensing objectives namely; prevention of crime & disorder, protection of the public safety and prevention of public nuisance. 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 existed whilst violence on the site had occurred.</p> <p>3. Requirements upon the Licensing Authority</p> <p>This application was made under the provisions of s.53A of the Act. As such, s.53A(2)(a) required that within 48 hours of the receipt of the application the licensing authority considers whether it was necessary to take interim steps pending the determination of the review application. A first interim hearing was heard within the 48 hour time frame and took place on the morning of 12 May 2016. It was the licensing sub-committee’s decision to exercise its discretion with regard to the provisions of s.53B (2) and to not give the premises licence holder an opportunity to make representations to the licensing authority at that stage.</p> <p>Subsequent to Police representation the licensing sub-committee decided to suspend the licence from midday 12 May 2016 pending the full review hearing in line with its powers under s.53B(3)(d). The relevant decision notice was provided to the premises licence holder on 12 May.</p> <p>The premises licence holder made representation to the licensing authority against this interim decision on 12 May 2016 and in line with its duty under s.53B(6) the licensing authority organised the hearing within 48 hours. The hearing was therefore to enable the premises licence holder to make representation against the interim decision to suspend the licence pending the full hearing.</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 16 May 2016

Agenda Item No	Topic	Decision
		<p>4. Details of Representation</p> <p>Metropolitan Police</p> <p>At the beginning of the hearing the sub-committee was informed that both legal representatives for the premises and on behalf of the Commissioner of the Metropolitan Police Service were in discussion on the interim decision seeking a common ground to present to the sub-committee.</p> <p>Mr Dadds requested for a twenty minutes adjournment in order for negotiation to be completed with James Rankin and PC Oisin Daly, on behalf of the Metropolitan Police Service.</p> <p>The Sub-Committee agreed to the request and adjourned until 11.05 am.</p> <p>At the resumption of the hearing, Mr James Rankin was invited to summarise his submission of 12 May 2016. The Sub-Committee was informed that there had been serious breaches of the Licensing objectives and Licence conditions at the premises. Having spoken with Mr Dadds, various proposals had been put forward by the premises to enable the venue re-open subject to a full review.</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 16 May 2016

Agenda Item No	Topic	Decision
		<p>Mr Rankin detailed the following amendment conditions that had been agreed between both parties:</p> <ol style="list-style-type: none"> 1. All patrons to the premises shall be scanned for entry. 2. Fifteen door staffs shall be employed at all times the premises is open for business. 3. The VIP area; Alcohol shall be supplied only by a waiter/waitress. (There shall be no self service) 4. All VIP areas shall be monitored by at least one SIA security personnel. 5. PC Oisin Daly would be allowed to brief all SIA door personnel from the new company at 21:00 hours on 20 May 2016 6. No door staffs present on the incident of 2 May 2016 are to be re-employed at the premises. 7. CCTV shall be installed in the male and female toilet and focussed on the toilet attendant. (As a result of the drug abuse concern at the premises) <p>Mr Rankin concluded stating that even though the Police were acceptable to the conditions in order for the premises to re-open, the decision was in the hands of the Sub-Committee.</p> <p>The Sub-Committee was informed that the Police reserved their position for the full review hearing to seek a revocation of the Premises Licence.</p> <p>5. Applicant’s Reply</p> <p>Mr Dadds (legal representative to the applicant) addressed the Sub-Committee stating that it was most usual for the premises not to be allowed to respond to an expedited review of the premises licence hearing as was the case on 12 May 2016.</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 16 May 2016

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		<p>Mr Dadds made the following submissions in respect of the conditions outlined by Mr Rankin (legal representative for the Commissioner of the Metropolitan Police Service)</p> <ul style="list-style-type: none"> • Disputed that a camera had been removed from its location at the back of the premises. • The premises was in agreement with the conditions agreed with the Police following negotiation. • The premises voluntarily offered the club scan system following a previous review. • The SIA company that was contracted to the premises had previously received a commendation for the work practise. Following this incident the contract had been terminated. • Steps had been taken to employ a new SIA registered company to be in place for Friday, 20 May 2016. • A representative of Dadds Solicitors would be briefing the new company personnel • Suggested that the decision of the Sub-Committee must be evidence based and proportionate to the issues. • The objectives of this step were to provide the premises with an opportunity to talk to the Police and take steps to remedy any concern. • Suggested that there were no drug issues as all patrons were searched before entry in to the venue. • That historically, there had been a good relationship between the premises and the Police. • That the premises always cooperated with the Police. <p>The Chairman addressed all parties present that its decision to not allow any representations from the premises licence holder was taken following legal guidance.</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 16 May 2016

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		<p>The Sub-Committee decided to exercise its discretion with regard to the provisions of s.53B (2) to not give the premises licence holder an opportunity to make representations at that stage.</p> <p>The Sub-Committee noted that the premises had not submitted a revised CCTV plan to the responsible authorities. It was clarified to the Sub-Committee that a doorman will be dedicated to each of the VIP areas and the daily register will be made available for inspection.</p> <p>6. Determination of Application</p> <p>Consequent upon the hearing held on 16 May 2016 the Sub-Committee’s decision regarding the expedited review of the premises licence for Circuit, 36-38 North Street, Romford, RM1 1BH 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</p>

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		<p>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 stated that following careful consideration of all information including the offer of agreed additional conditions, the sub-committee remain of the view that the interim suspension is an appropriate and proportionate decision given the concerns that the current licensing conditions are not being fully met, for example evidence of an initial reluctance to release CCTV footage requested to the Police in a timely manner and an initial insistence that it be viewed at the premises with representatives of the licence holder and as the sub-committee had heard today, evidence of overt drug taking.</p> <p>The gravity of the incidents which occurred on 2 May and the apparent lack of an acceptable response led the sub-committee to have concerns regarding the public safety and crime & disorder licensing objectives.</p> <p>Therefore the sub-committee’s decision was to continue the interim suspension of the premise licence pending the full review.</p> <p>7. Right of Appeal</p> <p>The premises licence holder may make representations within 48 hours, by Wednesday 18 May 2016 against the interim step to suspend the premises licence.</p>

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A1		
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